CGHC010325302026 2026:CGHC:45076

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7834 of 2026

1 - Shivkumar @ Shibo S/o Ravisingh Aged About 23 Years R/o Chhindgaon, P.S. Karpawand, District- Bastar (C.G.) **... Applicant(s)**

versus

1 - State Of Chhattisgarh Through The Police Station Karpawand, District- Bastar (C.G.) **... Respondent**

For Applicant	:	Mr. Pravin Kumar Tulsyan, Advocate
For Respondent/State	:	Ms. Ankita Shukla, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

26.10.2026

1. The applicant has preferred this First Bail Application under Section 483 of the BNSS, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 24/2026, registered at Police Station Karpawand, District Bastar (C.G.) for the offence punishable under Sections 65(1), 89 and 332(B) of BNS and 4 & 6 of POCSO.

2. Case of the prosecution, in brief, is that the applicant sexually assaulted the victim, aged about 15 years on the pretext of marriage. The FIR was lodged against the applicant by the mother of the victim, pursuant to which the offences, as stated above, were registered

against him.

3. In pursuance of the notice dated 21.08.2026 issued to the victim, today the victim along with her mother appeared before this Court through video conferencing from concerned DLSA and have given consent to releasing the applicant on bail.

4. Learned counsel appearing for the applicant would submit that victim and her mother have already been examined before the learned trial Court and they have not supported the case of the prosecution. He would further submit that on the date of alleged incident, the age of the victim was more than 18 years. It is also argued that victim has denied the suggestions put forth by the Public Prosecutor. The applicant is in jail since 21.03.2026. He, therefore, prays for grant of bail to the applicant.

5. On the other hand, learned State counsel would oppose the bail application and submit that the victim was 15 years of age on the date of the incident and serious allegations have been levelled against the present applicant and, therefore, application moved by the applicant for grant of bail may be rejected.

6. I have heard the learned counsel for the parties and perused the case diary.

7. Taking into consideration the facts and circumstances of the case, particularly the fact that, in her statement recorded under Section 183 of the BNSS and her deposition where the victim disclosed her age as 20 years and did not support the case of the prosecution, and further considering that her mother has also been examined and has not

supported the prosecution case, both having turned hostile, and that the victim denied the suggestions put forth by the learned Public Prosecutor, and further considering that the applicant has been in custody since 21.03.2026 and the conclusion of the trial is likely to take some time, I am inclined to grant bail to the present applicant. Accordingly, the bail application is **allowed**.

8. Let applicant be released on bail on furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under

Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

Sd/-

(Rakesh Mohan Pandey)
Judge

Jyoti