CGHC010326642026 2026:CGHC:45317

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7782 of 2026

1 - Himanshu Sharma S/o Shri Jugal Kishore Sharma Aged About 20 Years R/o Village Amlipadar, Kanya School Road, Police Station Amlipadar, District Gariyaband, Chhattisgarh Presently Confined In District Jail, Gariyaband, Chhattisgarh

... Applicant

versus

1 - State Of Chhattisgarh Through Police Station Amlipadar, District Gariyaband Chhattisgarh

... Non-applicant

For Applicant	:	Ms. Astha Shukla, Advocate
For Non-applicant /State	:	Mr. Sourabh Sahu, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

27/10/2026

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. 68/2026, registered at Police Station Amlipadar, District – Gariyaband (C.G.) for offence punishable under Sections 75(1), 76, 351(3) of BNS and Sections 8 and 18 of POCSO Act.

2. As per the case of the prosecution, FIR was lodged by the victim on 16/05/2026 that the present applicant sexually harassed the minor victim, aged about 16 years and 2 months, and also used criminal force on her with the intent of disrobing her. It was also alleged that there was a love affair between the applicant and the victim and on two to three occasions, the applicant tried to sexually harras the victim. On such complaint, police registered the aforesaid offence against the present applicant.

3. Ms. Astha Shukla, learned counsel for the applicant, would argue that in the present case, investigation has been completed and the victim has already been examined before the trial Court and there is no chance of tampering with evidence. She would further contend that charge-sheet has already been filed and the applicant is in jail since 17/05/2026 and he has no criminal antecedents, thus, the appellant be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Mr. Sourabh Sahu, learned counsel appearing for the non-applicant/State, would oppose the bail application and submit that at the time of the incident, the victim was aged about 16 years and 2 months and therefore, the contention of consent of the

victim would be irrelevant as she was a minor. He would further submit that serious allegations have been levelled against the applicant with regard to sexual assault of the minor victim, therefore, he is not liable to be released on bail.

5. Victim's father appeared before this Court through video conferencing from the concerned District Legal Services Authority (DLSA) and raised serious objection in grant of bail to the applicant.

6. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

7. Having considered the fact that investigation has been completed and victim has already been examined before the trial Court and there is no chance of tampering with evidence and further considering that charge-sheet has been filed, the applicant has no criminal antecedents and he is in jail since 17/05/2026, this Court, without expressing any opinion on the merits of the case, is of the considered view that a fit case for grant of regular bail is made out. Accordingly, the bail application filed by the applicant is **allowed**.

8. It is directed that in the event of the applicant executing a personal bond for a sum of **Rs.50,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on following conditions :-

   (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. The observation made herein-above is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Harneet