CGHC010326992026 2026:CGHC:45217

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2106 of 2026

1 - Parvinder Patel @ Parvinder Gurjar S/o Hargopal Gurjar, Aged About 26 Years R/o Shergarh, Khadwai, District Mathura (U. P.)

...Appellant

versus

1 - State Of Chhattisgarh Through - Station House Officer, Police Station - A. J. K., District Raipur (C.G.) **---- Respondent**

For Appellant : Mr. Sandeep Yadav, Advocate

For State : Mr. Keshav Gupta, GA

For Objector : Mr. Ashish Pandey, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

27.10.2026

1. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short “the Act of 1989”) for setting aside of order dated 10.08.2026 passed by the Special Judge SC/ST Act (Atrocities), Raipur, District Raipur (C.G.) whereby the regular bail application filed by the appellant under Section 483 of BNSS in connection with Crime No.06/2026 registered at Police Station

AJK, Raipur, District Raipur (C.G.) for commission of offence punishable under Sections 69, 89 of BNS and Section 3((2)(v) of the SC/ST Act, 1989 has been rejected.

2. The case of the prosecution is that the victim lodged an FIR on 03.07.2026, alleging that the appellant herein sexually exploited her on the pretext of marriage between 19.08.2023 and 23.11.2025. It is also stated that they were in a love affair and stayed at various places, including hotels, during which period she conceived and was provided abortion pills. On the basis of said complaint, the police registered the offence as stated above.

3. Learned counsel appearing for the appellant would submit that the relationship between the appellant and the victim was consensual. He would further submit that, on the date of the incident, the victim was 30 years of age and the appellant and the victim had been in a relationship for about two years. It is also argued that the victim stayed with the appellant on more than 10 occasions in different hotels but never made any complaint. It is also contended that the victim has already been examined and has admitted all these facts in her deposition. With regard to Section 3(2)(v) of the SC/ST Act, 1989, learned counsel for the appellant would submit that there is no allegation that the appellant committed the offence knowing the fact that the victim belonged to a particular category. He would further submit that, to attract Section 3(2)(v) of the Act of 1989, the prosecution is required to establish that the offence was committed with such knowledge; however, there is no such allegation in the charge-sheet. He would pray to allow this appeal.

4. On the other hand, learned counsel for the State opposes the criminal appeal and the submission made by learned counsel for the appellant. He would further submit that the appellant sexually exploited the victim, who belongs to the Scheduled Caste/Scheduled Tribe community. He would further submit that there are serious allegations of sexual assault and, therefore, the appeal deserves to be dismissed.

5. Learned counsel appearing for the objector would contend that the appellant and his relative compelled the victim to withdraw her complaint and a report was lodged before the Superintendent of Police, Raipur, on 24.07.2026. Thus, he would submit that the appeal deserves to be dismissed.

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

7. Having considered the age of the victim, who was around 30 years on the date of the incident; the appellant has been in jail since 13.07.2026 and the charge-sheet has already been filed; and the contents of the FIR, wherein the victim stated that they were in a love affair and had a consensual relationship and she stayed with the appellant at various places on more than 10 occasions, without commenting on the merits of the case, this Court is inclined to allow the appeal and enlarge the appellant on bail. Accordingly, the order dated 10.08.2026 passed by the Special Judge, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, Raipur, District Raipur (C.G.), in Crime No. 06/2026, is hereby **set aside.**

8. Accordingly, the instant appeal is **allowed**. The appellant be released on bail on furnishing a personal bond for a sum of **Rs. 50,000/-** with one surety in the like sum to the satisfaction of the Court concerned, subject to the following conditions:-

(i) The appellant 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 appellant 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 his under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the appellant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the appellant 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 appellant 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 appellant 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.

9. However, this Court hopes and trust that the trial Court should make an earnest endeavour to conclude the trial as expeditiously as possible.

Sd/-

(Rakesh Mohan Pandey)
Judge

Rekha