CGHC010330072026 2026:CGHC:44262

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7877 of 2026

1 - Jitendra Banjare S/o Pardeshi Banjare Aged About 20 Years Residence Of Village- Loharsi, Police Station- Pachpedi, District- Bilaspur, Chhattisgarh

... Applicant

versus

1 - State Of Chhattisgarh Through Police Station- Pachpedi, District- Bilaspur, Chhattisgarh

… Non-applicant

For Applicant	**:**	Mr. Ravi Kumar Bhagat, Advocate
For Non-applicant /State	**:**	Ms. Laxmeen Kashyap, P.L.

Hon’ble Shri Justice Rakesh Mohan Pandey

Order on Board

13/10/2026

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. 160/2026, registered at Police Station Pachpedi, District – Bilaspur (C.G.) for offence

punishable under Sections 64(2)(m) of BNS and Sections 4 and 6 of POCSO Act.

2. As per the case of the prosecution, Victim, aged about 17 years and 10 months, lodged a written complaint on 07/06/2026 that the applicant, on the pretext of marriage, has sexually assaulted her. On the basis of the said report, FIR was registered and the applicant was arrested.

3. Mr. Ravi Kumar Bhagat, learned counsel for the applicant, would argue that on the date of the incident, the age of the victim was 17 years and 10 months and there are exaggerations in the FIR as well as in the statement of the victim recorded under Section 183 of BNSS. He would further submit that victim has already been examined before the trial Court and in her cross-examination, she has stated that there was consensual relationship between the applicant and the victim. It is also contended that according to documents pertaining to age of the victim, on the date of the incident, the age of the victim was more than 18 years. He would lastly submit that the investigation has been completed and charge-sheet has already been filed and the applicant is in jail since 08/06/2026, thus, the appellant be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Ms. Laxmeen Kashyap, 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 17 years and 10 months and therefore, the contention of consent of the victim would be irrelevant as she was a minor. She would lastly 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. The victim along with her mother appeared before this Court through video conferencing from the concerned District Legal Services Authority (DLSA) and 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. It is a well-settled principle of law that, while considering a bail application, the High Court cannot conduct a mini-trial or undertake a detailed examination of the evidence. The reliability and credibility of the evidence, either oral or documentary, are matters to be assessed by the learned Trial Court during the course of trial. Thus, it is for the trial Court to consider the documentary evidence with regard to proof of age of the victim.

8. Admittedly, the age of the victim was below 18 years on the date of the incident and in her deposition, the victim has made categorical allegation of sexual assault against the present applicant. Thus, looking to the facts and circumstances of the case, nature and gravity of the offence in question, the role of the applicant, I am not inclined to release the applicant on bail.

9. Accordingly, this bail application filed by the applicant – **Jitendra Banjare** who has been arrested in connection with Crime No. 160/2026, registered at Police Station Pachpedi, District – Bilaspur (C.G.) for offence punishable under Sections 64(2)(m) of BNS and Sections 4 and 6 of POCSO Act is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Harneet