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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8093 of 2026

Kailash @ Binnu S/o Ramkeshwar Agariya Aged About 21 Years R/o Village - Majhla, P.S. Sonhat, Distt. Koriya (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through Police Station Chirmiri, District - Manendragarh-Chirmiri-Bharatpur (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Hemand K. Agrawal, Advocate.
For Non-Applicant/State	:	Mr. Jitendra Shrivastava, Govt. Advocate.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

27/10/2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No. 215/2026, registered at Police Station Chirmiri, District Manendragarh-Chirmiri-Bharatpur (C.G.), for the offences punishable under Sections 137(2), 87 and 65(1) of the BNS and Sections 4 and 6 of the POCSO Act.

2. The prosecution story, in brief, is that upon receipt of a hospital

memo regarding a minor victim being five months pregnant, the police conducted an enquiry, during which the victim disclosed that the applicant, who was known to her for the last four years, allegedly committed sexual assault upon her on 27.09.2024. Thereafter, in May 2025, the applicant allegedly induced her on the pretext of marriage and took her to Mathla, Sonhat, where they lived together for about one year and he continued to establish physical relations with her, resulting in her pregnancy. Based upon the said allegations, the aforesaid offence was registered against the applicant.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would further submit that the victim along with her mother have already been examined before the learned trial Court and both have not supported the prosecution case, whereupon they were declared hostile. It is further submitted that the parents of the victim have expressed their no objection to the grant of bail to the applicant before the learned trial Court and the applicant is in jail since 21.05.2026 and the conclusion of trial is likely to take some time. Therefore, he prays for grant of bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that although the victim along with her mother have been examined before the learned trial Court and have not supported the prosecution case, serious allegations of sexual assault upon a minor resulting in pregnancy have been levelled

against the applicant. Considering the nature and gravity of the offences, the applicant is not entitled to be released on bail.

5. In compliance with the order passed by this Court, the mother of the victim appeared through video conferencing from the concerned District Legal Services Authority (DLSA) and expressed her no objection to the 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 facts and circumstances of the case, nature and gravity of the offences alleged against the applicant, particularly the fact that the victim along with her mother have already been examined before the learned trial Court and have not supported the prosecution case, whereupon they were declared hostile and victim denied the allegations levelled against the applicant, the mother of the victim has also appeared before this Court through video conferencing from the concerned DLSA and expressed her no objection to the grant of bail, the applicant is in jail since 21.05.2026 and the conclusion of trial is likely to take some time, thus without further commenting upon the merits of the case, this Court is of the considered view that the applicant deserves to be released on regular bail.

8. Accordingly, the bail application of the applicant is **allowed**. 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 the 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, &

(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.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal