CGHC010336012026 2026:CGHC:45455

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8052 of 2026

Sona Podiyami S/o Late Hidma Podiyami Aged About 25 Years R/o Village - Kasanpal, Police Station - Tongpal, District - Sukma Chhattisgarh

... Applicant(s)

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

versus

State Of Chhattisgarh Through - Station House Officer, Police Station - Tongpal, District - Sukma Chhattisgarh

... Non-Applicant(s)

For Applicant	:	Mr. Chandrikaditya Pandey, Advocate.
For Non-Applicant/State	:	Ms. Laxmin Kashyap, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

28/10/2026

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. 25/2025, registered at Police Station Tongpal, District Sukma (C.G.), for the offences punishable under Sections 64(2)(m) read with 65(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4(2) and 6 of the POCSO Act.

2. The prosecution story, in brief, is that on 10.09.2025, the father of

the victim lodged a report alleging that his minor daughter, aged about 13 years, was suffering from abdominal pain and upon medical examination, was found to be carrying a pregnancy of about 5–6 months. Upon enquiry, the victim allegedly disclosed that the present applicant had been establishing physical relations with her for about one year on the false pretext of marriage, as a result of which she became pregnant. Initially, a Zero FIR was registered at Police Station Sukma and thereafter transferred to Police Station Tongpal, where Crime No. 25/2025 was registered on 10.09.2025. Based upon the said allegations, the aforesaid offences were 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 submit that there was an unexplained delay in lodging the FIR and that although the victim gave birth to a child on 17.10.2025, no DNA test was conducted during investigation to establish the paternity of the child. Subsequently, an application seeking permission for DNA examination was moved before the learned trial Court, but the victim and her parents declined to undergo the said examination. He would further submit that the victim (PW-1) and her mother (PW-2) have already been examined before the learned trial Court and have not supported the prosecution case, whereupon both were declared hostile and denied the material allegations against the applicant. The applicant is in jail since 11.09.2025, the charge-sheet has already been filed and out of 17 prosecution witnesses, only two have been examined so far. Therefore, he prays

for grant of bail to the applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that although the victim has been examined before the learned trial Court and has turned hostile but serious allegations of repeated sexual assault have been levelled against the applicant, resulting in the pregnancy of the victim, who was aged about 13 years at the relevant time. Considering the nature and gravity of the offences and the fact that the victim was a minor at the time of the alleged incident, the applicant is not entitled to be enlarged on bail.

5. Pursuant to the order dated 13.10.2026 passed by this Court, the victim, along with her father, appeared before this Court through video conferencing and expressed their 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 has already been examined before the learned trial Court and has not supported the prosecution case and has turned hostile, having denied the suggestions put forth by the prosecution, further considering that no DNA examination has been conducted to establish the paternity of the child and that pursuant to the order dated 13.10.2026, the victim along with her father appeared before this Court today through video conferencing and

expressed their no objection to the grant of bail to the applicant, as also the fact that the applicant is in jail since 11.09.2025, charge-sheet has already been filed and the trial is likely to take some time for its conclusion, this Court, without further commenting upon the merits of the case, is inclined to grant bail to the applicant.

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