SIDDHANT TAMRAKAR
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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8563 of 2026

- Ayush Tiwari @ Lucky S/o Late Sushil Tiwari Aged About 23 Years R/o- Village- Ward No. 06, Bhuteshwar Nath Road, Police Station And District- Gariyaband (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Gariyaband, District- Gariyaband (C.G.)

... Non-Applicant

For Applicant : Ms. Pooja Yadav, Advocate
For State : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

06.10.2026

1. Victim along with her mother appeared through V.C. and has given her consent in grant of bail to the applicant.

2. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 146/2026 registered at Police Station Gariyaband, District Gariyaband (C.G.) for the offence punishable under Sections 64, 65(1), 75(1)(iii), 351 (3) of BNS and Sections 4 (2), 6, 8 & 12 of POCSO Act.

3. As per the case of the prosecution, the mother of the victim lodged a written

report against the present applicant alledging that he made a sexual relationship with the victim by showing her erotic literature and further touched her body with wrong intention. On such complaint, police registered offence as stated above.

4. Learned counsel for the applicant would contend that age of the victim on the date of incident was more than 18 years. She would further contend that applicant has falsely been implicated. She would also contend that victim has already been examined before the trial Court and she has not supported the case of prosecution. She would submit that applicant is in jail since 26.06.2026 and trial may take some time for its conclusion. He would contend that applicant has no criminal antecedents. Thus, she would pray for grant of bail to the applicant.

5. On the other hand, learned counsel for the State would oppose the bail application. Ms. Smriti Shrivastava, Panel Lawyer would submit that age of the victim on the date of incident was 14 years, thus, she was below 18 years of age and was not capable to give her consent. She would further submit that in statement recorded under Section 183 of BNSS, victim has made serious allegations against the applicant with regard to sexual assault, therefore, the present application deserves to be rejected.

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

7. Having considered the facts and circumstances of the case, the nature and gravity of the allegations levelled against the present applicant, the fact that the victim has already been examined before the trial Court and she has not supported the case of prosecution, even she denied the suggestions put forth

by public prosecutor, applicant is in jail since 26.06.2026, trial may take some time for its conclusion and applicant has no criminal antecedents, therefore, I am inclined to allow this application.

8. Accordingly, the regular bail application is allowed and 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

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