CGHC010347012026 2026:CGHC:46977

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8388 of 2026

Narmada Kurre W/o Premchand Kurre Aged About 40 Years R/o Village - Gaurjhoomar, Police Station - Sahaspur Lohara, District Kabirdham (C.G.)

... Applicant

versus

State Of Chhattisgarh Through The Station House Officer, Police Staton - Kawardha, District -Kabirdham (C.G.) **... Non-Applicant**

Digitally signed by ALLENA ANJANI KUMAR
Date: 2026.11.05 19:00:53 +0530

For Applicant	:	Shri Paras Mani Shrivas, Advocate.
For Non-Applicant/State	:	Shri Dharmesh Shrivastava, Deputy A.G.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

05/11/2026

1. Upon bail application having been filed by the applicant, a notice has been issued to the complainant/victim to oppose the bail application. As per office note, notice issued to the victim has been duly served upon the brother of victim.

2. A conjoint reading of Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 and Sub-Rules (13) & (15) of Rule 4 of the Protection of Children from Sexual Offences Rules, 2020 would make it clear that the local police has to inform the victim and the legal guardian regarding the schedule of Court proceedings and the Court is required to inform that the legal guardian or the victim are duly communicated about the

pendency of bail application filed by the accused. The statutory mandate is to provide an opportunity of hearing to the complainant and, thereafter, it is at the sweet will of the complainant to appear before the Court at the time of hearing of the bail application or not. In case the informant chooses not to appear in spite of having been given information about the application, in such a situation, it can be presumed that the complainant has reposed trust in the Public Prosecutor. In such a scenario, this Court does not wish to adjourn the case in absence of complainant/victim or her natural guardian.

3. **First bail application** having been dismissed as withdrawn passed by this Court on 19.12.2025 in MCRC No.9686/2025, this is the **Second bail application** filed under Section 483 of the Bhartiya Nagarik Suraksha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.0394/2025 registered at Police Station Kawardha, Kabirdham (C.G.), for the offence punishable under Sections 64(2)(m), 65(1), 308(2) of Bhartiya Nyay Sanhita, 2023 (for short, the BNS, 2023) and Sections 4(2), 6 of the Protection of Children from Sexual Offences Act, 2012 (for brevity, the POCSO Act, 2012).

4. As per the case of the prosecution, on 05.09.2025, brother of the victim lodged a report at Police Station Kawardha making allegations that minor son of present applicant has sexually exploited his minor sister, aged about 15 years 8 months. It is also alleged that the minor son of the present applicant took along the victim for a period from June, 2024 to August, 2025 and also prepared Video clips and extorted a sum of Rs.,10,00,000/-. The allegation against the present applicant is that in her Bank account, a sum of Rs.43,000/- was transferred. On such

complaint/report, the police registered the offence as stated above.

5. Learned counsel for the applicant would argue that in the present case, charge-sheet has been filed; applicant is in jail since 28.10.2025; she has no criminal antecedents; trial is likely to take some considerable time for its conclusion and the allegation of sexual assault is against her son. It is also contended that the victim has been examined and she has not made any allegation of sexual assault and the extortion against the present applicant. Thus, he would pray that the bail application may be allowed and the applicant may be enlarged on bail.

6. On the other hand, learned counsel for the State would oppose the bail application. He would argue that the present applicant and her minor son extorted a sum of Rs.10,00,000/-. He would submit that Rs.43,000/- was transferred in the bank account of present applicant and she was involved in the commission of crime, therefore, the bail application deserves to be rejected.

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

8. Having considered the fact that the allegation of sexual assault is against minor son of the applicant; the allegation made by the brother of the victim that a sum of Rs.43,000/- was transferred in her bank account; the fact that in the Court statement, the victim has not made any allegation of bank transaction against the present applicant; the applicant is in jail since 28.10.2025; the applicant has no criminal antecedents and conclusion of trial may take some considerable time, without making any observation on merits of the matter, I am inclined to grant bail to the applicant. Accordingly, the instant bail application is **allowed.**

9. It is directed that the applicant shall be released on bail on her furnishing a **personal bond** in sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) she 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) she shall not act in any manner which will be prejudicial to fair and expeditious trial, &
(iii) she shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

10. The observation made herein above is for the purpose of deciding this bail application only and the trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Anjani