CGHC010357082026 2026:CGHC:46734

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9043 of 2026

1 - Takeshwar Manikpuri S/o Shri Bhukhan Das Manikpuri, Aged About 19 Years R/o Devgaon, Ward No. 09, Sontra Road (Khapri Banjari), Police Station - Kharora, District - Raipur, C.G.

... Applicant(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Dharsiwa, District Raipur, C.G. (Wrongly Mentioned In Imgunned Order As Olice Station - Kharora, District - Raipur (C.G.)

... Non-applicant(s)

For Applicant	:	Mr. Rajat Agrawal, Advocate
For Non-applicant /State	:	Mr. Kanwaljeet Saini, Dy. G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

04/11/2026

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. 207/2026, registered at

Police Station Dharsiwa, District – Raipur (C.G.) for offence punishable under Sections 137(2), 87, 65(1), 3(5), 238(B) and 308(2) of BNS and Sections 4 and 6 of POCSO Act.

2. As per the case of the prosecution, a missing complaint was lodged by the father of the minor victim on 17/04/2026. During the course of investigation, victim was recovered and her statements were recorded under Section 180 and 183 of BNSS and subsequently, co-accused Ishwar Dhritlahre was arrested on the allegation that he abducted the victim and sexually assaulted her and the present applicant was arrested on the allegation that he also sexually exploited the victim on the pretext of marriage.

3. Mr. Rajat Agrawal, learned counsel for the applicant, would argue that initially no allegation of sexual assault was made by the victim against the applicant either in her statement under Section 180 of BNSS or in her statement under Section 183 of BNSS. He would further contend that only after a complaint made by victim's grandfather alleging improper investigation, re-investigation was sanctioned and thereafter, the victim made allegations of sexual assault against the present applicant and other co-accused person. He would also submit that victim is innocent and has falsely been implicated in the crime in question. It is further argued that victim has already been examined before the trial Court and there are certain contradictions and omissions in her deposition. He would lastly submit that the applicant has no previous criminal antecedents, charge-sheet has already been filed and the applicant

is in jail since 08/06/2026 and since conclusion of trial is likely to take considerable time, therefore, the applicant may be released on bail.

4. On the other hand, Mr. Kanwaljeet Saini, 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 13 years and 10 months. He would further submit that on written complaint of grandfather of the victim, re-investigation was done and the statements of all the witnesses including the victim were recorded under Sections 180 and 183 of BNSS and the victim, in her statement, has categorically made the allegation of sexual assault against the present applicant and further in her deposition before the trial Court, the victim has made specific allegation of sexual assault against the applicant, thus, this bail application is liable to be dismissed.

5. Victim and her grandmother appeared through video conferencing from the concerned DLSA and raised 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. Having considered the fact that victim, in her statement under Sections 180 and 183 of BNSS has made serious allegations of sexual assault against the present applicant and co-accused and further considering that victim has already been examined before

the trial Court and in paragraph 6 of her deposition, she has categorically stated that present applicant took her from her house and sexually assaulted her and further taking note of the fact that at the time of the incident, age of the victim was 13 years and 10 months and she was a child under the provision contained under Section 2(1)(d) of the POCSO Act, I am not inclined to release the present application on bail.

8. Accordingly, this bail application is hereby **rejected**.

9. Considering the period of detention of the applicant, learned trial Court is directed to expedite the trial.

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Harneet