CGHC010361082026 2026:CGHC:44017

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8667 of 2026

Homan Kumar Sahu S/o Shaat Bal Govind Sahu, Aged About 21 Years R/o Village Bagdehi, P.S. Kurud, District Dhamtari (C.G.). **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, P.S. Kurud, District Dhamtari (C.G.). **... Non-applicant**

For Applicant	**:**	Ms. Aditi Singhvi, Advocate
For Non-applicant	**:**	Ms. Monika Thakur, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

12/10/2026

1. This is the first bail application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for the grant of regular bail. The applicant has been arrested in connection with Crime No. 151/2026, registered at Police Station – Kurud, District Dhamtari (C.G.), for offences punishable under Section 65(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 6 of the Protection of Children from Sexual Offences (POCSO) Act.

2. The prosecution case, in brief, is that in 2023, the applicant, came into contact with the victim through Instagram during Navratri and allegedly induced her into a relationship by promising to marry her. Thereafter, on several occasions between November 2023 and May

2026, he allegedly subjected her to sexual intercourse on the pretext of marriage. On 18.05.2026, when the accused refused to marry her, the victim disclosed the incident to her mother and brother. On 19.05.2026, she lodged a written report at Police Station Kurud, pursuant to which Crime No. 151/2026 was registered against the accused under Sections 64(2)(m) and 65(1) of the Bharatiya Nyaya Sanhita, 2023, and Sections 4 and 6 of the POCSO Act. Upon completion of the investigation, the police filed the charge sheet against the accused.

3. Learned counsel appearing for the applicant submits that the applicant has falsely been implicated in the crime. It is submitted that the prosecutrix/victim has already been examined before the learned trial Court and she has not supported the case of the prosecution. During her deposition, she categorically denied that any incident as alleged in the FIR had taken place and further denied all suggestions put forth by the prosecution during her examination. It is further submitted that the applicant has been languishing in jail since 20.05.2026 and, since the material witness has already turned hostile, there is no likelihood of tampering with evidence; hence, the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel appearing for the State opposes the bail application and submitted that the applicant has one criminal antecedent registered in the year 2022 for offences punishable under Sections 323, 294, and 506 of the Indian Penal Code (IPC). She further submitted that looking to the nature and gravity of the present allegations, the applicant may not be enlarged on bail.

5. In compliance with the order dated 17.09.2026, the victim along with her mother appeared before this Court (through Help Desk / Legal Services). They have stated that they have no objection if the applicant is released on bail.

6. Heard learned counsel for the parties and perused the case diary.

7. Considering the totality of the facts and circumstances of the case, particularly the fact that the prosecutrix has already been examined before the trial Court and has turned hostile, she categorically denying the occurrence of any incident; the victim and her mother have recorded "no objection" to the grant of bail before this Court; the applicant has no criminal antecedent of similar nature, however, he has one criminal incident registered in the year 2022 for the offence punishable under Sections 323, 294, and 506; he is in jail since 20.05.2026; and the conclusion of the trial is likely to take time, without commenting on the merits of the case, this Court is inclined to release the applicant on regular bail. Accordingly, the bail application is **allowed**.

8. 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 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, and

    (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.

9. The observation made hereinabove is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-

Rakesh Mohan Pandey

JUDGE

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