CGHC010361512026 2026:CGHC:45078

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8789 of 2026

1 - Devendra Kumar Kashyap S/o Shri Umashankar Kashyap, Aged About 24 Years Village Paidhar Kosa, P.S. - Mulmula, District - Janjgir-Champa, Chhattisgarh.

... Applicant(s)

versus

1 - State Of Chhattisgarh Through Police Station - Mulmula, District - Janjgir-Champa, Chhattisgarh. **... Respondent(s)**

For Applicant (s)	:	Mr. Ishan Kashyap, advocate on behalf of Neeraj Mehta, Advocate
For Respondent(s)/State	:	Ms. Smriti Shrivastava, P.L.

Hon'ble Mr. Justice Rakesh Mohan Pandey

Order on Board

26.10.2026

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. 156/2026, registered at Police Station Mulmula, District Janjgir Champa (C.G.) for the offence punishable under Sections 64 of BNS and 4 & 6 of POCSO Act.

2. The case of the prosecution, in brief, is that on 09.05.2026, the prosecutrix lodged an FIR against the present applicant, alleging that the applicant established physical relations with her on 15.08.2024 on the pretext of marriage and that the relationship continued till 28.03.2026. It is further alleged that the prosecutrix got married to

another person on 25.03.2026 and, upon returning to her home, the present applicant again sexually assaulted her on 28.03.2026. Pursuant to the aforesaid allegations, the offences, as mentioned above, were registered against the applicant.

3. Pursuant to the notice dated 21.09.2026 issued to the victim, the victim and her mother appeared before this Court today through video conferencing from the concerned DLSA and raised serious objections to the grant of bail to the applicant.

4. Learned counsel appearing for the applicant would submit that, on the date of the alleged incident, the victim was aged about 17 years and 2 months, whereas the FIR was lodged on 09.05.2026, when she was aged about 19 years. He would further submit that there was a delay in lodging the FIR and that the relationship between the applicant and the prosecutrix was consensual, which continued for about one and a half years. He also submits that the charge-sheet has already been filed and the applicant has been in jail since 10.05.2026. He, therefore, prays for grant of bail to the applicant.

5. On the other hand, learned State Counsel would oppose the bail application and submit that, on the date of the alleged incident, the victim was aged about 17 years and 2 months and that the applicant sexually exploited her on the pretext of marriage for about one and a half years. He would further submit that serious allegations of sexual assault have been levelled against the present applicant and, therefore, the bail application deserves to be rejected.

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

diary.

7. Taking into consideration the facts and circumstances of the case, particularly the fact that the alleged relationship between the applicant and the prosecutrix continued for about one and a half years and they were in a consensual relationship and considering the fact that the applicant has no criminal antecedents, and there is a delay in lodging the FIR, and also considering the fact that the applicant is in custody since 10.05.2026, the charge-sheet has already been filed, and the conclusion of the trial is likely to take some time, I am inclined to grant bail to the present applicant. Accordingly, the bail application is **allowed**.

8. Let applicant be released on bail on furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the court concerned with the following conditions:-

> **(i)** The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.
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> **(ii)** The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.
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> **(iii)** In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fails

to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

Sd/-
(Rakesh Mohan Pandey)
Judge

Jyoti