CGHC010365172026 2026:CGHC:46035

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8738 of 2026

1 - Akamchand Kurre S/o Kishan Lal Kurre Aged About 20 Years R/o Village / Post Police Chowki Kanwar Police Station And Tehsil Gurur, District- Balod (C.G.) (Applicant And Fathers Name Wrongly Mentioned In The Cause Title Of The Impugned Order) **...Applicant(s)**

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Chowki Kanwar Police Station Gurur, District- Balod (C.G.) **... Respondent(s)**

For Applicant (s)	:	Ms. Aditi Singhavi, Advocate
For Respondent(s)/State	:	Mr. Sourabh Sahu, P.L.

Hon'ble Mr. Justice Rakesh Mohan Pandey

Order on Board

30.10.2026

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. 56/2026, registered at Police Station Gurur, District Balod (C.G.) for the offence punishable under Sections 137(2), 87, 64(2)(m) of BNS and 4 and 6 of POCSO.

2. Case of the prosecution, in brief, is that the applicant sexually assaulted the victim, aged about 17 years and 8 months on the pretext of marriage. The FIR was lodged against the applicant by the victim, pursuant to which the offences, as stated above, were registered against him.

3. In pursuance of the notice dated 21.09.2026 issued to the victim, today the mother and father appeared before this Court through video conferencing from concerned DLSA and have given consent to releasing the applicant on bail.

4. Learned counsel appearing for the applicant would submit that victim has already been examined before the learned trial Court and she has not supported the case of the prosecution. He would further submit that on the date of alleged incident, the age of the victim was more than 18 years. It is also argued that victim has denied the suggestions put forth by the Public Prosecutor. The applicant is in jail since 18.04.2026 and he has no criminal antecedent. 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 the victim was 17 years and 8 months of age on the date of the incident and serious allegations have been levelled against the present applicant and, therefore, application moved by the applicant for grant of bail may 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 victim has already been examined before the trial Court and, in her statement, disclosed her age as 18 years and she did not support the case of the prosecution, having turned hostile, and further denied the suggestions put forth by the learned Public Prosecutor, as well as the fact that the applicant has no criminal

antecedents, has been in custody since 18.04.2026, 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.

(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.

(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