CGHC010365342026 2026:CGHC:46263

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8898 of 2026

1 - Banwari Lal @ Bannu Ekka S/o Nandlal Ekka Aged About 26 Years R/o Village Sonwahi, Out Post Latori, Police Station Jainagar, District Surajpur Chhattisgarh

... Applicant

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Bhatgaon, District Surajpur Chhattisgarh

... Non-applicant

For Applicant	:	Mr. Anil Kumar Gulati, Advocate
For Non-applicant /State	:	Mr. Vivek Sharma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

02/11/2026

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. 66/2026, registered at Police Station Bhatgaon, District – Surajpur (C.G.) for offence punishable

under Sections 137(2), 87 and 65(1) of BNS and Section 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 09/04/2026 and subsequently, the victim returned home on 14/04/2026, her statement was recorded under Section 183 of BNSS on 29/05/2026. Subsequently, police registered the aforesaid offence against the applicant.

3. Mr. Anil Kumar Gulati, learned counsel for the applicant, would argue that victim has not made any allegation with regard to sexual assault against the applicant in her statement under Section 183 of BNSS. He would further contend that victim has given her consent for grant of bail to the applicant. He would also submit that the investigation has been completed and charge-sheet has already been filed and the applicant is in jail since 27/05/2026, thus, the appellant be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Mr. Vivek Sharma, 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 15 years and 7 months and therefore, the contention of consent of the victim would be irrelevant as she was a minor. He would further contend that the present applicant sexually exploited the minor victim on the pretext of marriage, therefore, he is not liable to be released on bail.

5. The victim appeared before this Court through video conferencing from the concerned District Legal Services Authority (DLSA) and has given her consent for 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. A perusal of victim's statement recorded under Section 183 of BNSS would reveal that she has not made any allegation of sexual assault against the applicant. Further her statement was recorded before the In-charge of Women Counseling Center, Surajpur, wherein upon being asked, she did not make any allegation of sexual assault against the applicant.

8. Taking into consideration the facts and circumstances of the case, particularly that the investigation is complete and charge-sheet has already been submitted; the applicant is in custody since 27/05/2026; the victim has given her consent for grant of bail to the applicant, this Court, without expressing any opinion on the merits of the case, is of the considered view that a fit case for grant of regular bail is made out. Accordingly, the bail application filed by the applicant is **allowed**.

9. 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.

10. The observation made herein-above 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

Harneet