CGHC010365402026 2026:CGHC:46587

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8750 of 2026

Urmila Yadav W/o Rahul Yadav, Aged About 26 Years R/o - Kenwatapara, Bus Stand Kewadabadi, Shivnagar, Raigarh, P.S. - City - Kotwali, Raigarh, District - Raigarh, C.G.

... Applicant

versus

State Of Chhattisgarh Through - Police Station - City-Kotwali, Raigarh, District-Raigarh, Chhattisgarh.

... Respondent(s)

For Applicant	**:**	Shri Hemant Gupta, Advocate
For Respondent(s)	**:**	Shri Sourabh Sahu, Panel lawyer

Hon’ble Shri Justice Rakesh Mohan Pandey

Order on Board

03/11/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 0040/2026 registered at Police Station Kotwali, District Raigarh (C.G.) for the offence punishable under Sections 3, 4, 5

of Immoral Traffic Prevention Act and Section 11(vi), 12 of POCSO Act. The applicant is in custody since 03.02.2026.

2. Despite service of notice there is no appearance on behalf of victim.

3. Learned counsel for State would contend that although the police has delivered the information of the present application to the complainant on 08.10.2026, as nobody is present on behalf of the complainant/victim, the bail application cannot be heard in view of the provision contained in Section 483(2) of BNSS, 2023, which provides that *"The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under Section 65 or sub-section (2) of Section 70 of BNS, 2023."*

4. In this regard, it would be appropriate to have a look at the provisions contained in Sub-Rules (13) and (15) of Rule 4 of the Protection of Children from Sexual Offences Rules, 2020, which read as follows:-

> ***4. Procedure regarding care and protection of Child***
>
> *It shall be the responsibility of the SJPU, or the local police to keep the child and child's parent or guardian or other person in whom the child has trust and confidence, and where a support person has been assigned, such person, informed about the developments, including the arrest of the accused, applications filed and other court proceedings.*
>
> *(15) The information to be provided by the Special Juvenile Police Unit (SJPU), local police, or support*

person to the child and the child's parents or guardian or any other person in whom the child has trust and confidence shall include, but is not limited to, the following:

Clause (i): *Availability of public and private emergency and crisis services.*

Clause (ii): *Procedural steps involved in a criminal prosecution.*

Clause (iii): *Availability of victim's compensation benefits.*

Clause (iv): *Status of investigation of the crime, to the extent appropriate to inform the victim and without interfering with the investigation.*

Clause (v): *Arrest of a suspected offender.*

Clause (vi): *Filing of charges against a suspected offender.*

Clause (vii): *Schedule of court proceedings that the child is either required to attend or is entitled to attend.*

Clause (viii): *Bail, release or detention status of an offender or suspected offender.*

Clause (ix): *Rendering of a verdict after trial.*

Clause (x): *Sentence imposed on an offender.*

5. Bare reading of above quoted rules would show that it is incumbent upon the local police to inform the victim/child and the local guardian regarding the schedule of court proceedings and the Court is required to ensure that the local guardian/parents of the child have been duly informed about the bail application filed

by the accused. However, despite information of the application having been given, the victim or informant has chosen not to come forward to oppose the bail application.

6. The statutory mandatory provisions provides an opportunity of hearing to the complainant or victim or their natural guardian and, thereafter, it is at the sweet will of the complainant to appear before the Court at the time of hearing of the bail application or not. In case the informant choses not to appear in spite of having been given information about the application, it cannot be said that the bail application cannot be heard in absence of the informant.

7. As per the case of prosecution on 03.02.2026, based on alleged secret information that co-accused Rahul Kumar Yadav and his wife Urmila Yadav(present applicant) were running a brothel in a rented premise at Shiva Nagar, Raigarh, the police organized a decoy/pointer operation. A pointer (Ravindra Gupta) was allegedly sent with marked currency notes of Rs. 500/- (4 notes totaling to Rs. 2000/-). Police subsequently raided the premises, seized alleged objectionable articles (condoms, pads), recovered the marked currency from co-accused Rahul Yadav and detained three females, labeled “A”, “B” and “C”, alleging that victim “A” was a minor. The applicant was arrested on 03.02.2026. and thereby the crime has been committed and the FIR has been registered as Crime No. 40/2026 under aforesaid sections.

8. Learned counsel for the applicant submits that the applicant is

innocent and has been falsely implicated in the crime. The applicant is an innocent 26- year old married woman, falsely implicated solely on the basis of being the wife of co-accused Rahul Yadav. No illicit recovery, contraband, or marked money was recovered from her person (only a personal Vivo mobile phone was seized). The star prosecution witness/alleged victim (A/PW-01) was examined before the Special Court on 21.04.2026. In her deposition, she completely turned hostile and exonerated the applicant. He further submits that the victim and her mother appeared before the trial court and gave a categorical “No Objection” to the grant of bail.

9. Learned State counsel opposes the bail application and submits that the allegations against the applicant are serious in nature; therefore, the applicant is not entitled to be enlarged on regular bail.

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

11. Having considered the facts and circumstances of the case, the nature of the allegations, role attributed to her, no offence has been committed by the applicant under the provisions of POCSO Act, the investigation is complete and the charge-sheet has already been filed, the applicant has no criminal antecedents and has been in custody since 03.02.2026, and the conclusion of the trial is likely to take considerable time, I am inclined to allow the bail application. Accordingly, the bail application is allowed.

12. 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.

13. 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

Madhurima