CGHC010372952026 2026:CGHC:45523

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9433 of 2026

Chhatrapal Agariya @ Thuiya S/o Shriram Agariya Aged About 30 Years R/o Village Chhote Salhi, Out Post Podibachara, Distt- Koriya (C.G.). **... Applicant**

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versus

State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Baikunthpur, Distt- Koriya (C.G.). **... Non-Applicant**

For Applicant	**:**	Mr. Anil Kumar Gulati, Advocate
For Non-Applicant	**:**	Ms. Ritika Verma, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

28/10/2026

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. 409/2025 registered at Police Station Baikunthpur, District Koriya (C.G.), for offences punishable under Sections 64(2)(f), 296(b), 351(2), 115(2), and 332(B) of the Bharatiya Nyaya Sanhita, 2023.

2. Case of the prosecution, in brief, is that the applicant and the victim are related to each other and there exists a pre-existing land dispute between them. On 26.11.2025, between approximately 3:00 p.m. and 4:00 p.m., the applicant/accused Chhatrapal, in an inebriated state, entered the house of the victim, hurled filthy abuses, and threatened to kill her questioning whether she was constructing a house on his land.

When the victim protested, the applicant threw her on the ground, assaulted her with hands and fists, and committed rape upon her. On the basis of the report lodged by the victim, the aforesaid crime was registered and the applicant was arrested on 18.12.2025.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question on account of the ongoing civil dispute pertaining to land between the families. It is submitted that the alleged incident took place on 26.11.2025, whereas the FIR came to be lodged on 17.12.2025 with an inordinate and unexplained delay. He further submits that the medical examination (MLC) of the victim does not corroborate the prosecution version, the charge-sheet has already been filed, the applicant is in jail since 18.12.2025, and since the trial is likely to take considerable time, the applicant may be enlarged on regular bail.

4. On the other hand, learned counsel appearing for the State vehemently opposes the bail application and submits that there are grave and specific allegations of sexual assault committed by the applicant against the victim. It is contended that in cases involving sexual offences, mere delay in lodging the FIR cannot be considered fatal to the prosecution case. She further refers to the statement of the victim recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, wherein the victim has categorically supported the allegations of forceful house-trespass, physical assault, and rape against the applicant; hence, the applicant is not entitled to be released on bail.

5. Heard learned counsel for the parties and perused the case diary as well as the material available on record.

6. Taking into consideration the facts and circumstances of the case, the nature and gravity of the offence, and particularly considering the specific allegations against the present applicant that he, after

consuming liquor, forcibly entered the house of the victim and subjected her to sexual assault, and that the victim has categorically reiterated and supported the said allegations in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, without commenting anything on the merits of the case, this Court is not inclined to enlarge the applicant on bail. Accordingly, the bail application is **rejected**.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim