CGHC010373832026 2026:CGHC:46266

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9138 of 2026

1 - Jittu Verma S/o Late Kunjram Verma Aged About 22 Years R/o Village- Kotmi, Police Station- Bhatapara (Gramid), District- Balodabazar- Bhatapara Chhattisgarh.

... Applicant

versus

1 - State Of Chhattisgarh Through The Police Station- Bhatapara (Gramid), District- Balodabazar- Bhatapara Chhattisgarh.

... Non-applicant

For Applicant	:	Mr. Munendra Kumar Sharma, Advocate
For Non-applicant /State	:	Mr. Sourabh Sahu, 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. 526/2026, registered at Police Station Bhatapara (Gramid), District – Balodabazar-Bhatapara (C.G.) for offence punishable under Sections 137(2), 87 and 65(1) of BNS and Sections 4 and 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 06/09/2026 and subsequently, the victim was recovered on 08/09/2026 from the company of the accused, her statement was recorded wherein she has stated that the applicant sexually exploited her on the pretext of marriage. On the basis of such allegations, the police arrested the present applicant.

3. Mr. Munendra Kumar Sharma, learned counsel for the applicant, would argue that on the date of the incident, there was a love affair between the applicant and the victim and the victim has given her consent for grant of bail to the applicant. He would further submit that the investigation has been completed and charge-sheet has already been filed and the applicant is in jail since 08/09/2026, thus, the appellant be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Mr. Sourabh Sahu, 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 5 months and therefore, the contention of consent of the victim would be irrelevant as she was a minor. He would lastly submit that serious allegations have been levelled against the applicant with regard to sexual assault of the minor victim, therefore, he is not liable to be released on bail.

5. The victim and her parents appeared before this Court through video conferencing from the concerned District Legal Services Authority (DLSA) and have given their consent for grant of bail to

the victim.

6. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

7. Having considered the fact that on the date of the incident, the age of the victim was 15 years and 5 months and the victim has made serious allegations of sexual assault against the victim in her statement under Section 183 of BNSS and further considering that though the victim has given her consent for grant of bail to the applicant, but it is totally irrelevant and it cannot be accepted as the victim was below 18 years of age and she was a child on the date of the incident according to the provision contained under Section 2(1)(d) of POCSO Act, thus, looking to the facts and circumstances of the case, I am not inclined to release the present applicant on bail.

8. Accordingly, this bail application is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Harneet