CGHC010374902026 2026:CGHC:45064

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9140 of 2026

Balram Dhruw @ Badu S/o Bharthari Dhruw Aged About 23 Years R/o Bramha Chowk, Gokulpur Ward Dhamtari, P.S. City Kotwali, Dhamtari, District : Dhamtari, Chhattisgarh **... Applicant**

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Date: 2026.10.28 15:08:32 +0530

versus

State Of Chhattisgarh Through The Station House Officer, Police Of Police Station City Kotwali Dhamtari, District : Dhamtari, Chhattisgarh

... Non-Applicant

For Applicant	:	Shri Anil Gulati, Advocate.
For Non-applicant/State	:	Shri Sourabh Sahu, Panel Lawyer.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

26/10/2026

1. This is the **First bail application** filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.116/2026 registered at Police Station City Kotwali Dhamtari, District Dhamtari (C.G.), for the offence punishable under Sections 87, 65(1), 351(2), 351(3) of Bhartiya Nyay Sanhita, 2023 (for short, the BNS, 2023) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for brevity, the POCSO Act, 2012).

2. As per the case of the prosecution, on 30.04.2026, mother of the victim

lodged F.I.R. to the effect that the present applicant, on the pretext of marriage, enticed her daughter and on 30.10.2025, he forcibly established physical relationship with her daughter and lastly on 23.12.2025, he again established physical relationship On such allegations, the police registered the offence as stated above.

3. Learned counsel for the applicant would submit that even if the entire prosecution case is taken as it is, then prima-facie, the present case is of consensual relationship and the victim on her own will accompanied the applicant for a considerable period. He would contend that in the present case, charge-sheet has already been filed; applicant is in jail since 01.05.2026; he has no criminal antecedents and conclusion of the trial is likely to take some considerable time. Therefore, he would pray that the bail application may be allowed and the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the submissions advanced by the learned counsel for the applicant. He would submit that on the date of incident, the age of the victim was 15 years 8 months and thus she was minor and was not capable to give her consent. It is also argued that there are serious allegations of sexual assault against the present applicant, therefore, the bail application deserves to be rejected.

5. Victim along with her mother appeared through virtual mode from the concerned DLSA and the victim has given consent in releasing the applicant on bail.

6. I have heard learned counsel appearing for the parties and perused the

case diary.

7. As per the case diary, the victim was minor under the age of 18 years old, in terms of Section 2(1)(d) of the POCSO Act and was not competent to give her consent, therefore, the argument advanced by the learned counsel for the applicant cannot be accepted.

8. Having considered the age of the victim, who was 15 years and 8 months at the time of incident; she in her statement recorded under Section 183 of BNSS and deposition recorded before the trial Court wherein she categorically stated that the present applicant sexually assaulted her against her wishes on 3 – 4 occasions and also took objectionable videos, therefore, I am not inclined to grant bail to the applicant.

9. Accordingly, the first bail application filed by the applicant is liable to be and is hereby **rejected.**

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Anjani