CGHC010374912026 2026:CGHC:44244

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9128 of 2026

1 - Santosh Sahu S/o Shri Sammelal Sahu Aged About 36 Years R/o Village Hasuwa Police Station Gidhouri, Distt- Balodabazar- Bhatapara (C.G.)

... Applicant(s)

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Gidhouri, Distt- Balodabazar- Bhatapara (C.G.)

... Respondent

For Applicant	:	Mr. Pawan Kesharwani, Advocate
For Respondent/State	:	Ms. Sameeksha Gupta, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

13.10.2026

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. 167/2026, registered at Police Station, Gidhouri, District Balodabazar- Bhathapara (C.G.) for the offence punishable under Sections 64(2)(m) of BNS.

2. The case of the prosecution, in brief, is that a written complaint was lodged by the prosecutrix, aged about 33 years, against the present applicant on 24.08.2026, alleging therein that on 01.05.2026, the

applicant committed forcible sexual intercourse with her. Thereafter, he allegedly committed forcible sexual intercourse with her on multiple occasions. It is further alleged that the applicant took her to Ambikapur, where they stayed for 15 days, and thereafter, he took her to Delhi, where they stayed for about one month. Subsequently, he brought her back home on 30.07.2026. Pursuant to the complaint, an FIR was registered against the applicant for the offences mentioned above.

3. Learned counsel appearing for the applicant submits that the prosecutrix is aged about 28 years at the time of incident. The applicant and the prosecutrix are related to each other and were in a consensual relationship for a considerable period. He further submits that both the applicant and the prosecutrix are married persons. The charge-sheet has already been filed, and the applicant is in jail since 25.08.2026. He, therefore, prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and submits that the applicant sexually assaulted the prosecutrix over a considerable period. Her statement has been recorded under Section 183 of the BNSS, wherein she has made serious allegations against the present applicant. Therefore, the bail application filed by the applicant deserves to be rejected.

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

6. Taking into consideration the facts and circumstances of the case, particularly the fact that the applicant and the prosecutrix are married persons; they stayed together for 15 days in Ambikapur and thereafter

in Delhi for about one month; the prosecutrix was a mature woman aged about 28 years at the time of the incident; the applicant and the prosecutrix were allegedly in a relationship for a considerable period; the charge-sheet has already been filed; the applicant is in custody since 25.08.2026; and the conclusion of the trial is likely to take some time, I am inclined to grant bail to the present applicant. Accordingly, the bail application is **allowed**.

7. 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) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

Sd/-

(Rakesh Mohan Pandey)
Judge

Jyoti