CGHC010375062026 2026:CGHC:45453

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8981 of 2026

Satish Bargah S/o Shri Santosh Bargah Aged About 20 Years R/o Village - Pendri (S A), Thana - Sargaon, Distt. Mungeli Chhattisgarh

... Applicant(s)

versus

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

The State Of Chhattisgarh Through Station House Officer, Police Station - Sargaon, Distt. Mungeli Chhattisgarh

... Non-applicant(s)

For Applicants	:	Mr. Sahil Sahu, Advocate.
For Non-applicant/State	:	Ms. Ritika Verma, Panel Lawyer.

Hon'ble Shri Rakesh Mohan Pandey, Judge

Order on Board

28.10.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No. 66/2026, registered at Police Station Sargaon, District Mungeli (C.G.), for the offences punishable under Sections 137(2), 87, 64(1)(2)(j), 45 and 249 of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 6 and 17 of the POCSO Act and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989.

2. The prosecution story, in brief, is that on 04.04.2026, the father of

the victim lodged a report alleging that his minor daughter, aged about 14 years and 5 months, had left home on 03.04.2026 on the pretext of visiting her friend and had not returned. During investigation, the victim was recovered on 04.04.2026 and upon enquiry, she disclosed that she had travelled to village Sanwa, from where the applicant Satish took her on his motorcycle to the house of his maternal uncle at village Kotmi, where he allegedly established physical relations with her. Thereafter, her statements were recorded and considering her age and the allegations of sexual assault, the relevant provisions of the BNS, POCSO Act and SC/ST Act were added. Based upon the said allegations, the aforesaid offences were registered against the applicant.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would submit that the victim had voluntarily left her parental home and accompanied the applicant and that no force or coercion was exercised upon her. He would further submit that the medical examination does not reveal any external or internal injuries suggestive of forcible sexual assault. It is further submitted that the prosecution has failed to establish the victim's age through reliable evidence, as PW-4, the Headmaster, is not the author of the admission register and has not explained the basis on which her date of birth was recorded. He would further submit that the victim's parents have also not furnished any definite evidence regarding her age and have admitted that the victim and the applicant were in contact through mobile phone. The applicant is in jail since

09.04.2026, the charge-sheet has already been filed and no further custodial interrogation is required. Accordingly, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the victim was aged about 14 years and 5 months at the time of the alleged incident, as reflected in her school records, wherein her date of birth is recorded as 15.10.2011. It is further submitted that the victim has already been examined before the learned trial Court and has categorically supported the prosecution case by making allegations of sexual assault against the present applicant. Therefore, considering the nature and gravity of the offences and the fact that the victim was a minor at the relevant time, the applicant is not entitled to be enlarged on bail.

5. Pursuant to the order dated 25.09.2026 passed by this Court, the victim, along with her father, appeared before this Court and raised serious objection to the grant of bail to the applicant.

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 facts and circumstances of the case, nature and gravity of the offences alleged against the applicant, particularly the allegation that the applicant took the victim to the house of his maternal uncle and sexually assaulted her, the fact that the victim was aged about 14 years and 5 months at the time of the alleged incident as per the school records and further considering that the victim has already been examined before the learned trial Court and has supported the prosecution case by making specific allegations

against the applicant, as also the fact that the victim along with her father appeared before this Court pursuant to the order dated 25.09.2026 and raised serious objection to the grant of bail to the applicant, thus it is not a fit case to enlarge the applicant on bail.

8. Accordingly, the present bail application filed by the applicant, involved in Crime No. 66/2026, registered at Police Station Sargaon, District Mungeli (C.G.), for the offences punishable under Sections 137(2), 87, 64(1)(2)(j), 45 and 249 of the Bharatiya Nyaya Sanhita, 2023, Sections 4, 6 and 17 of the POCSO Act and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989, is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal