CGHC010377432026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9176 of 2026

Sooraj Banjare S/o Late Heeralal Banjare Aged About 36 Years R/o Gram Sevti, Post Hirri, Police Station Bori, District Durg (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through Police Station Khairagarh, District Khairagarh- Chuikhadan-Gandai (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Nikhil Pandey, Advocate.
For Non-Applicant/State	:	Ms. Ritika Verma, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

04/11/2026

1. This is the first bail application filed by the applicant 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. 435/2025, registered at Police Station Khairagarh, District Khairagarh-Chuikhadan-Gandai (C.G.), for the offences punishable under Sections 137(2), 64(2)(m) and 96 of the Bharatiya Nyaya Sanhita, 2023 and Section 5(L), 6 of the POCSO Act.

2. The prosecution story, in brief, is that on 05.09.2025, the Hostel Superintendent lodged a written complaint stating that the victim, who was residing in the hostel and studying in Class XII, had gone to attend a Teachers' Day programme but did not return to the hostel. On the basis of the said complaint, an offence under Section 137(2) of the BNS was registered against an unknown person. During investigation, on 06.09.2025, the victim was found in company of the applicant near Khairagarh Bus Stand. In her statement, she alleged that the applicant had enticed her, taken her to a room at the PWD Rest House and subjected her to sexual assault repeatedly. Thereafter, her medical examination was conducted, her statement under Section 183 of the BNSS was recorded and the relevant documents regarding her age were seized. Upon completion of investigation, the charge-sheet was filed before the competent Court.

3. Learned counsel for the applicant would submit that the applicant is innocent and has falsely been implicated in the present case. The applicant is in custody since 06.09.2025 and the trial has substantially progressed, as 12 out of 24 prosecution witnesses have already been examined, including the victim and her mother. He would further submit that there are material contradictions and omissions in the statements of the prosecution witnesses, particularly with regard to the allegation of administering liquor to the victim. It is further contended that there is a dispute regarding

the age of the victim, as different dates of birth are reflected in her documents. On these grounds, learned counsel prays for grant of bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the victim, in her deposition before the learned trial Court, has supported the prosecution case and levelled serious allegations of sexual assault against the applicant. She has categorically stated that the present applicant took her to the PWD Rest House, compelled her to consume liquor and thereafter sexually exploited her throughout the night. It is further submitted that the age of the victim on the date of incident was 16 years, 3 months and 21 days. Accordingly, she prays for rejection of bail application.

5. Pursuant to the order dated 28.10.2026, the mother of the victim and the victim appeared before this Court today through video conferencing and raised serious objections to the grant of bail to the applicant.

6. I have heard learned counsel 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 allegations, the statement of the victim recorded during trial and the age of the victim, this Court is of the view that the applicant is not entitled to be released on bail at this

stage. The victim, in her deposition before the learned trial Court, has supported the prosecution case and specifically attributed the act of sexual assault to the applicant. The contention of learned counsel for the applicant regarding voluntary accompaniment, contradictions and omissions in the evidence of the prosecution witnesses, as well as the dispute regarding the age of the victim, are matters which require proper appreciation of evidence during trial. It is a well-settled principle of law that the credibility and reliability of the testimony of a witness cannot be finally adjudicated at the stage of consideration of a bail application. Further, the victim was below 18 years of age on the date of the incident and has also opposed the release of the applicant before this Court through video conferencing. In view of the aforesaid, this Court is not inclined to enlarge the applicant on bail.

8. Accordingly, the bail application filed by the applicant is hereby rejected.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal