CGHC010377952026 2026:CGHC:45817

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9051 of 2026

Santosh @ Bunty Mallah S/o Bhagela Mallah Aged About 40 Years R/o Ward No. 17 Sakarha Ghat, Kawardha, Police Station - Kawardha, District - Kabirdham (C.G.)

... Applicant(s)

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

versus

State Of Chhattisgarh Through - Station House Officer, Police Station - Mahila Thana, Kawardha, District - Kabirdham (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Chandrikaditya Pandey, Advocate.
For Non-Applicant/State	:	Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

29/10/2026

1. The applicant has filed this first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, as he has been arrested in connection with Crime No. 43/2026, registered at Mahila Police Station, Kawardha, District Kabirdham (C.G.), for the offences punishable under Sections 74, 75(2) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. As per the prosecution case, in brief, on 24.08.2026, the mother of

the victim lodged a written report before the concerned Police Station stating that, while bathing her minor daughter, aged about 10 years and 10 months, she noticed abrasion marks and swelling on her breasts. On being asked, the victim disclosed that on 23.08.2026, the present applicant had called her to his shop on the pretext of giving her chocolate, caught hold of her from behind, pressed and scratched her breasts and attempted to touch her private parts with his own private part. She further alleged that the applicant had subjected her to similar acts on earlier occasions. On the basis of the said report, 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 due to his refusal to fulfil the complainant's alleged demand for money. He would further submit that the charge-sheet has already been filed, the applicant has no criminal antecedents and the trial is likely to take considerable time. Accordingly, he prays for grant of bail.

4. On the other hand, learned counsel for the State would oppose the prayer for grant of bail and submit that the medical examination revealed scratch marks and superficial contusions on the victim's breasts. She would further submit that the victim, in her statement recorded under Section 183 of the BNSS, has supported the allegations against the applicant. Therefore, she prays for rejection of the bail application.

5. Pursuant to the order dated 26.09.2026, the victim along with her

mother appeared before this Court through video conferencing and strongly opposed the prayer for grant of bail to the applicant.

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

7. Having considered the facts and circumstances of the case, nature and gravity of the allegations, particularly the age of the victim, her statement recorded under Section 183 of the BNSS implicating the applicant and the medical report noting superficial contusions and scratch marks on the victim's breasts and further considering the fact that the victim along with her mother appeared before this Court through video conferencing and strongly opposed the prayer for grant of bail to the applicant, this Court is of the view that, at this stage, no case is made out for grant of bail to the applicant.

8. Accordingly, the bail application filed by the applicant, involved Crime No. 43/2026, registered at Mahila Police Station, Kawardha, District Kabirdham (C.G.), for the offences punishable under Sections 74, 75(2) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the Protection of Children from Sexual Offences Act, 2012., is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal