CGHC010379482026 2026:CGHC:43021

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9344 of 2026

Munna Giri S/o Ashok Giri, Aged About 27 Years R/o Purani Basti Village Gorkha, Police Station Kotraroad Raigarh, District Raigarh (C.G.)

... Applicant

ALFIZA BAIG

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Date: 2026.10.06 17:37:15 +0530

versus

State Of Chhattisgarh Through -Station House Officer, Police Station - Kotraroad, District Raigarh (C.G.)

... Respondent

For Applicant	:	Ms. Minakshi Gupta, Advocate
For Respondent-State	:	Mr. Himanshu Yadu, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

05.10.2026

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. 106/2026 registered at Police Station – Kotra Road, District - Raigarh Chhattisgarh for the offences punishable under Sections 70(1) and 115(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution, in brief, is that on 04.04.2026 at about 11:00 PM, the prosecutrix and her husband, after having dinner, went to a betel shop to purchase bidis. As the shop was closed, they were returning to their house, at about 11:30 PM, co-accused Munna Giri allegedly caught hold of the prosecutrix's hand and dragged her into a chicken shop. Despite her husband's objection, the co-accused allegedly forcibly took the prosecutrix inside the shop and committed sexual intercourse with her. Thereafter, the present applicant and other co-accused persons allegedly committed sexual intercourse with her one after another. On the basis of the report lodged by the prosecutrix, the police registered the offence against the applicant and other co-accused persons under Sections 70(1) and 115(2) of the BNS

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present crime. She submits that the prosecutrix has been examined before the learned Trial Court, has not supported the case of prosecution. She also submits that the applicant has not committed the alleged offence and has no criminal antecedents. She further submits that the applicant has been in jail since 05.04.2026, the charge-sheet has been filed, trial may take some time to conclude. At last she submits that other co-accused namely Dev Kumar @ Deepak Sidar, Jageshwar Patel and Pintu Nishad have been enlarged on bail by this Court in MCRC No. 8342 of 2026, MCRC no. 8445 of 2026 and MCRC No. 8348 of 2026 respectively. Hence, the present applicant may also be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that, from the material available in the charge-sheet, there is direct involvement of the applicant in the commission of the alleged crime. He

further submits that the charge-sheet has already been filed. However, on question posed to him he submitted that the applicant has no criminal antecedents.

5. On putting specific query with regard to whether the submission made by learned counsel for the applicant with regard to the bail granted by this Court to other co-accused, he submits that three co-accused persons have been extended the benefit of bail by this Court.

6. I have heard learned counsel for the respective parties and perused the documents filed along with the bail application.

7. Considering the facts and circumstances of the case, submission of counsel for the parties, applicant is in jail since 05.04.2026, charge-sheet has been filed, trial may take considerable time to conclude and also considering the fact that other co-accused have been granted bail by this Court, without commenting anything on merits of the case, I am inclined to allow this application for grant of bail.

8. Accordingly, the bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed and it is directed that applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of Trial Court concerned on the conditions that:

> (a) 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.
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> (b) 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.

(c) In case, the applicant misuses the liberty of bail during trial andin order to secure her 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.

(d) 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.

9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

JUDGE

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