CGHC010379822026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2458 of 2026

1 - Rukhman Patel S/o Yudhistir Patel Aged About 32 Years R/o Tangapasa P.S. Basna District Mahasamund Chhattisgarh

... Appellant

versus

1 - State Of Chhattisgarh Through- The Police Station Kondagaon District Kondagaon Chhattisgarh.

... Respondent

For Appellant	**:**	Mr. P.K. Tulsyan, Advocate
For Respondent /State	**:**	Ms. Ankita Shukla, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment on Board

30/10/2026

1. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the SC/ST Act") for

setting aside of order dated 17/08/2026 passed by the Special Judge SC/ST Act (Atrocities), Kondagaon (C.G.) in Special Case No. 08/2026 whereby the regular bail application filed by the appellant under Section 483 of BNSS in connection with Crime No. 177/2026 registered at Police Station Kondagaon, District Kondagaon (C.G.) for commission of offence punishable under Sections 64, 64(2)(m), 351(3) of BNS and Section 3(2)(v) of the SC/ST (prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that victim lodged an FIR on 15/02/2026 to the effect that the present appellant sexually exploited her and also extended threats of making her objectionable videos viral on the internet. On such complaint, police registered offence punishable under Sections 64, 64(2)(m), 351(3) of BNS against him and at the time of filing of the charge-sheet, offence punishable under Section 3(2)(v) of the Act of 1989 was added.

3. Mr. Pravin Kumar Tulsyan, learned counsel appearing for the appellant, would contend that there was a love affair between the appellant and the victim which continued from June, 2025 till 15/02/2026 and after their breakup, the appellant herein demanded his money back from the victim and a meeting in that regard was also called in the village and thereafter, false FIR was lodged by the victim. It is also contended that there is one previous criminal antecedent of the appellant registered under the Excise Act, investigation has already been completed and charge-

sheet has been filed and moreover, the appellant is in jail from 03/06/2026 and conclusion of trial will likely take some time, therefore, the appellant be released on bail. With regard to the offence punishable under Section 3(ll)(v) of the SC/ST Act, 1989, he would submit that there is no issue of social status of the victim and there is no such allegation in the FIR as well.

4. On the other hand, Ms. Ankita Shukla, learned counsel appearing for the non-applicant/State, opposes the criminal appeal and the submission made by learned counsel for the appellant. She would submit that the appellant lured the victim and on the pretext of marriage, he sexually exploited her. Thus, she would submit that the appeal deserves to be dismissed.

5. Victim and her father appeared before this Court through video conferencing from the concerned DLSA and raised serious objection in grant of bail to the appellant.

6. I have heard learned counsel for the parties, perused the case diary and went through the material available on record.

7. Having considered the age of the victim which was 22 years on the date of the incident and further considering that the appellant and the victim were in a love affair which continued from June 2025 till 15/02/2026 and when appellant demanded his money back from the victim and a meeting was also called in the village in this regard, thereafter, FIR was lodged by the victim, also considering that though there is one criminal antecedent of the appellant but it was under the provisions of the Excise Act; lastly

considering that charge-sheet has been filed and appellant is in jail since 03/06/2026 and conclusion of trial will likely take some time, without expressing any opinion on the merits of the case, this Court finds it appropriate to grant bail to the appellant.

8. Accordingly, the instant appeal is **allowed** and the order dated 17/08/2026, passed by the learned Special Judge, SC/ST Act (Atrocities), Kondagaon is hereby **set-aside**. The **Appellant – Rukhman Patel** be released on bail on furnishing personal bond with two sureties in the like sum to the satisfaction of the Court concerned with the following conditions:-

> (i) The appellant 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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> (ii) The appellant 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 his under Section 269 of Bharatiya Nyaya Sanhita;
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> (iii) In case, the appellant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the appellant 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; &
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> (iv) The appellant 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 appellant 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. However, this Court hopes and trust that the trial Court should make an earnest endeavour to conclude the trial as expeditiously as possible.

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

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Harneet