CGHC010380522026 2026:CGHC:47340

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2577 of 2026

Aabid Akhtar S/o Abdulla Kutti Aged About 38 Years R/o Belgari Nala, Garam Nahar, Balco Nagar, Korba, Distt. Korba, Chhattisgarh. **... Appellant**

versus

State Of Chhattisgarh Through Station House Officer, Scheduled Caste Welfare (A J K), Raipur, Distt. Raipur, Chhattisgarh. **... Respondent**

Digitally signed by ALLENA ANJANI KUMAR
Date: 2026.11.18 11:21:50 +0530

For Appellant	:	Smt. Smita Jha, Advocate.
For Respondent/State	:	Shri Dharmesh Shrivastava, Deputy Advocate General

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

17/11/2026

1. Upon appeal for grant of bail having been filed by the appellant, a notice has been issued to the complainant/victim to oppose the bail application. Despite notice being served on the victim/complainant, she failed to appear before this Court through virtual mode or in person.

2. A conjoint reading of Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 and Sub-Rules (13) & (15) of Rule 4 of the Protection of Children from Sexual Offences Rules, 2020 would make it clear that the local police has to inform the victim and the legal guardian regarding the schedule of Court proceedings and the Court is required to inform that the legal guardian or the victim are duly communicated about the

pendency of bail application filed by the accused. The statutory mandate is to provide an opportunity of hearing to the complainant and, thereafter, it is at the sweet will of the complainant to appear before the Court at the time of hearing of the bail application or not. In case the informant chooses not to appear in spite of having been given information about the application, in such a situation, it can be presumed that the complainant has reposed trust in the Public Prosecutor. In such a scenario, this Court does not wish to adjourn the case in absence of complainant/victim or her natural guardian.

3. The instant criminal appeal filed by the appellant under Section 14A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, the Act, 1989) is for grant of regular bail to him, who has been arrested in connection with Crime No.05/2026 registered at Police Station Scheduled Caste Welfare (AJK), Raipur, Distt. Raipur (C.G.), for the offence punishable under Sections 69 of B.N.S. and Section 3(2)(v) of the Act, 1989.

4. As per the case of the prosecution, an F.I.R. was lodged by the victim on 06.05.2026 against the appellant making allegations that he maintained physical relationship for a period from 10.06.2022 to 05.09.2025 on pretext of marriage and subsequently refused to marry her. It is also alleged that the appellant herein administered abortion pills and abused on the name of caste. On such report/complaint, the police registered the offence as stated above against the appellant.

5. By order dated 18.05.2026 passed by the learned Special Judge in Crime No.05/2026, the bail application filed by the appellant has been rejected against which the appellant has filed this appeal.

6. Learned counsel for the appellant would argue that in the year 2022,

age of the prosecutrix was about 20 years. She would contend that the victim is an educated lady and she had knowledge of consequences of such relationship. She would submit that the victim maintain relationship with the appellant from 10.06.2022 till 05.09.2025. It is also contended that there was an affair between them, therefore, section 3(2)(v) of the Act, 1989 would not attract at all. It is also contended that charge-sheet has been filed; appellant is in jail since 09.05.2026 and the trial is likely to take some considerable time, therefore, learned counsel for the appellant would pray that the instant appeal may be allowed and enlarge the appellant on bail.

7. On the other hand, learned counsel for the State would oppose the submissions of the learned counsel for the appellant. He would contend that objectionable video clips were obtained by the appellant and on the basis of those video clips, he blackmailed the victim. He would contend that the initially there is an allegation of forcible sexual assault. He would submit that the appellant sexually assaulted the complainant knowing very well that she belongs to S.T. category, and therefore, this appeal deserves to be dismissed.

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

9. It is not in dispute that on the date of incident, age of the victim was 20 years. She is an educated lady and as per contents of F.I.R. and statement recorded under Section 183 of B.N.S.S., there was consensual relationship between them which continued for a period of 10.06.2022 till 05.09.2025, and therefore, the provisions contained in Section 3(2)(v) of the Act, 1989 would not attract at all. With regard to allegation of sexual assault, there was consensual relationship

between them which continued for a couple of years; charge-sheet has been filed; appellant is in jail since 09.05.2026; the appellant has no criminal antecedents and the trial is likely to take some considerable time for its conclusion, without making any comments on merits of the matter, I am inclined to grant bail to the appellant. Accordingly, the instant appeal is **allowed** and the order dated 18.05.2026 passed by the learned Special Judge in Crime No.05/2026 is set aside.

10. It is directed that the appellant be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;
(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &
(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

11. The observation made herein above is for the purpose of deciding this bail application only and the trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Anjani