CGHC010380792026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9269 of 2026

Ramswaroop @ Jogi Sahu S/o Sumendra Sahu Aged About 21 Years R/o House No. 246, Ward No. 01, Village Mongrapali, Police Station Tendukona, District Mahasamund, Chhattisgarh. **... Applicant**

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Date: 2026.11.03 17:18:33 +0530

versus

State Of Chhattisgarh Through Police Station Chura, District Gariyaband Chhattisgarh. **... Non-applicant**

For Applicant	:	Shri Virendra Kashyap, Advocate.
For Non-applicant	:	Shri Sourabh Sahu, Panel Lawyer.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

03/11/2026

1. Victim along with her mother appeared through virtual mode and the victim raised serious objection in granting bail to the applicant.

2. This is the **First bail application** filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.60/2026 registered at Police Station Chura, District Gariyaband (C.G.), for the offence punishable under Sections 137(2), 64(2)(M), 87 of Bhartiya Nyay Sanhita, 2023 (for short, the BNS, 2023) and Section 4, 6 of the Protection of Children from Sexual Offences Act, 2012 (for brevity, the POCSO Act, 2012).

3. As per the case of the prosecution, a missing report was lodged by the father of the victim on 26.03.2026. During course of investigation, the victim was found in the company of the applicant on 22.07.2026 while they were staying in Raigarh and the statement of the victim was recorded. On the basis of such statement, offence as stated above has been registered against the applicant.

4. Learned counsel for the applicant would submit that victim accompanied the applicant in the month of March, 2026; they stayed in Raigarh where the applicant was working in a Company. Subsequently, they went to Raipur and thereafter to Bengaluru where they stayed together for a period of 3 – 4 months; on 22.07.2026 the victim was recovered from Raigarh. He would submit that on the date of incident, the victim was more than 18 years and there was consensual relationship and the applicant and victim have performed marriage and this fact is evident from the statement of the victim recorded under Sections 180 and 183 of BNSS. He would further contend that charge-sheet has been filed; applicant is in jail since 24.07.2026; he has no criminal antecedents and conclusion of the trial is likely to take some considerable time. Therefore, he would pray that the bail application may be allowed and the applicant may be enlarged on bail.

5. On the other hand, learned counsel for the State would oppose the submissions advanced by the learned counsel for the applicant. He would submit that on the date of incident, age of the victim was below 18 years and thus she was not legally competent to give her consent. It is also contended that the victim is a child falls under the definition of

Section 2 (d) of the POCSO Act and that, the victim has made serious allegations of sexual assault against the applicant, therefore, the bail application deserves to be rejected.

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

7. Having considered the statement of the victim recorded under Sections 180 and 183 of BNSS making it crystal clear that the victim accompanied the applicant and they stayed at various places for a period of 3 – 4 months; further considering the statement of the statement wherein she stated that she performed marriage with the applicant and they were residing as husband and wife; further the age of the victim, as per case diary, was about 17 years 11 months; charge-sheet has been filed; applicant is in jail since 24.07.2026; he has no criminal antecedents and conclusion of trial may take some considerable time, without making any observation on merits of the matter, I am inclined to grant bail to the applicant. Accordingly, the instant bail application is **allowed.**

8. It is directed that the applicant shall 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.

9. 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