CGHC010384082026 2026:CGHC:46520

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9278 of 2026

1 - Khileshwar Yadav Son Of Shri Rajesh Yadav, Aged About 22 Years Resident Of Village Onvari, Tahsil Charama, District North Bastar Kanker (C.G.)

... Applicant(s)

versus

1 - State Of Chhattisgarh Through - The Station House Officer, Police Of Police Station Charama, District North Bastar Kanker (C.G.) **.. Respondent**

For Applicant	:	Mr. Anukul Biswas, Advocate
For Respondent/State	:	Ms. Ritika Verma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

03.11.2026

1. The applicant has preferred this First Bail Application under Section 483 of the BNSS, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 112/2026, registered at Police Station Charama, District North Bastar Kanker (C.G.) for the offence punishable under Sections 64(2)(m) of BNS, and 6 of POCSO Act.

2 Case of the prosecution, in brief, is that the applicant sexually exploited the victim, aged about 17 years, 7 months and 26 days on the pretext marriage. The FIR was lodged against the applicant by the father of the mother, pursuant to which the offences, as stated above, were registered against him.

3 In pursuance of the notice dated 01.10.2026 issued to the victim, today the victim along with her mother appeared before this Court through video conferencing from concerned DLSA and have raised objection to releasing the applicant on bail.

4 Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the present case. He further submits that the victim has already been examined before the trial Court and there are contradictions and omissions in her deposition. It is also argued that the applicant is in jail and has no criminal antecedents. The age of the victim was around 18 years at the time of the incident and there was a consensual relationship between them. No offence, as alleged, was committed by the applicant. The charge-sheet has already been filed and the applicant is in jail since 26.05.2026. He, therefore, prays for grant of bail to the applicant.

5 On the other hand, learned State Counsel opposes the bail application and submits that the victim was aged about 17 years, 7 months and 26 days at the time of the incident and, in her statements recorded under Sections 180 and 183 of the BNSS, she made allegations of sexual assault against the present applicant and has supported the case of the prosecution. He further submits that, as the victim was a minor at the time of the incident, she falls within the definition of a child under Section 2(d) of the POCSO Act and was not competent to give her consent. Therefore, he prays for rejection of the bail application.

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

7 Taking into consideration the facts and circumstances of the case, particularly the fact that in her statements recorded under Sections 180 and 183 of the BNSS, the victim has categorically narrated the incident and the manner in which the alleged offence was committed and made specific allegations against the present applicant, coupled with the fact that the victim was aged about 17 years, 7 months and 26 days at the time of the incident and, therefore, falls within the definition of a child under Section 2(d) of the POCSO Act, and further considering her statement before the trial Court, wherein she has supported the case of the prosecution and categorically stated that the applicant sexually exploited her, along with the serious allegations levelled against the applicant, this Court is not inclined to grant bail to the applicant. Accordingly, the present bail application is **rejected.**

Sd/-

(Rakesh Mohan Pandey)
Judge

Jyoti