CGHC010389072026 2026:CGHC:45518

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9447 of 2026

- Sanjay Nishad S/o Domanlal Nishad Aged About 20 Years R/o Village- Bhurka, Tehsil And Police Station- Mahasamund, District Mahasamund Chhattisgarh.

... Applicant

versus

- State Of Chhattisgarh Through Police Station- Mahasamund, District Mahasamund Chhattisgarh.

... Non-applicant

For Applicant	:	Mr. Rahul Krishna Sahu, Advocate
For Non-applicant	:	Mr. Sourabh Sahu, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

28.10.2026

1) The applicant has preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.427/2026, registered at Police Station Mahasamund, District : Mahasamund (C.G.) for the offence punishable under Sections 76, 331(2) and 3(5) of Bhartiya Nyaya Sanhita, 2023.

2) The prosecution story, in brief, is that on 21.07.2026 at about 11:30 PM, the applicant and two other persons forcibly entered the room where the victim was sleeping with her daughters and surrounded her. It is alleged that the applicant caught hold of her hands with the intention of outraging her modesty and tried to flee the scene when the victim raised an alarm. Thereafter, the aforesaid offence was registered and the applicant was arrested.

3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case on the basis of a concocted story narrated by the victim, which is not trustworthy. He further submits that the applicant has one live criminal antecedent pertaining to the year 2025, and such antecedent has been duly explained in the present bail application. He also submits that although the charge-sheet has been filed before the competent court, the applicant has been languishing in jail since 23.07.2026. The trial is progressing at a slow pace, as none of the eight cited witnesses have been examined till date; hence, the applicant prays that the bail application be allowed.

4) On the other hand, learned counsel for the State opposes the bail application and submits that the applicant forcibly entered the room of the victim and intentionally attempted to outrage her modesty; therefore, looking to the gravity of the offence, this bail application deserves to be rejected.

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

6) Admittedly, the FIR reflects that the applicant purposefully tried to outrage the modesty of the victim after forcibly entering her room, whereas Mr. Sahu has submitted that the victim's version is untrustworthy. It is a settled principle of law that the Court's role at the bail stage is confined to verifying the existence of a prima facie case. In the present case, an FIR was lodged making specific allegations to the effect that the present applicant tried to outrage the modesty of the victim, but the veracity of the allegations made in the FIR cannot be examined at this stage in light of the defense taken by Mr. Sahu. Furthermore, the existence of one pending criminal antecedent pertaining to the year 2025 underscores a criminal propensity.

7) Considering the fact and circumstances of the case, nature and gravity of offence levelled against the applicant, this Court is not inclined to extend the benefit of bail to the applicant at this stage.

8) Accordingly, the instant bail application is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya