CGHC010389352026 2026:CGHC:47138

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9514 of 2026

1 - Vijay Kumar Porte S/o Shri Amrit Ram Aged About 24 Years R/o Village Patora Khalpara, Thana Lundra, Distt- Surguja (C.G.) **... Applicant(s)**

versus

1 - The State Of Chhattisgarh Through Station House Officer, Police Station Manipur, Distt- Surguja (C.G.) **... Respondent**

For Applicant	:	Mr. Sumit Shrivastava, Advocate
For Respondent/State	:	Mr. Vivek Sharma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

16.11.2026

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. 47/2026, registered at Police Station Manipur, District Surguja Chhattisgarh for the offence punishable under Sections 64(2)(m), 137(2) and 87 of BNS and 4 & 6 of POCSO Act.

2. The prosecution story, in brief, is that the father of the victim lodged a missing report at Police Station Manipur, stating therein that his daughter had left home for Bilaspur Chowk, Ambikapur, for some work

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on 17.02.2026 at about 2:30 p.m., but did not return home till night. Thereafter, he searched for her whereabouts, but she could not be traced. Accordingly, a missing report was lodged against an unknown person, on the basis of which an offence under Section 137(2) of the BNS was registered. During the course of investigation, the victim was found in the company of the present applicant at Kisan Rice Mill, Birgaon, Police Station Urla, District Raipur, as per the recovery panchnama dated 16.05.2026. Thereafter, the statement of the victim was recorded and, upon completion of the investigation, the charge-sheet was filed incorporating the aforementioned offence.

3. Learned counsel appearing for the applicant submits that, on the date of the incident, the victim was around 18 years of age. It is further contended that, in her court statement, the victim has categorically stated that she had left her house of her own accord and wanted to marry the present applicant. It is also submitted that the applicant and the prosecutrix are related to each other and were in a consensual relationship and had been living together as husband and wife at Raipur. He would further submit that there is no allegation of any forcible sexual assault. The applicant has no criminal antecedents. The charge-sheet has already been filed, and the applicant is in jail since 17.05.2026. He, therefore, prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and submits that the age of the victim was below 18 years at the time of the incident. She has categorically stated that the present applicant sexually exploited her. He further submits that the prosecutrix has made serious allegations against the present applicant in her

statement recorded under Section 183 of the BNSS. Therefore, the bail application deserves to be rejected.

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

6. Perusal of the records reveals that the victim has been examined before the learned Trial Court, wherein she has disclosed her age to be 18 years. In her court statement, she has categorically stated that she wanted to marry the present applicant and, therefore, left her house and accompanied the applicant to Raipur, where they stayed together for a couple of months. There is no allegation of any forcible sexual assault against the present applicant.

7. The issue regarding the age of the victim is yet to be determined by the learned Trial Court, and this Court refrains from making any observation in that regard.

8. Having considered the aforesaid facts and circumstances of the case, particularly the fact that the applicant has no criminal antecedents, the charge-sheet has already been filed, the applicant is in custody since 17.05.2026, and the conclusion of the trial is likely to take some time, without commenting on the merits of the case, this Court is inclined to grant bail to the present applicant. Accordingly, the bail application is **allowed**.

9. Let applicant be released on bail on furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the court concerned with the following conditions:-

(i) The applicant 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.

(ii) The applicant 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 him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant 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.

(iv) The applicant 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 applicant 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.

Sd/-

(Rakesh Mohan Pandey)
Judge

Jyoti