CGHC010390282026 2026:CGHC:46976

**NAFR**

# HIGH COURT OF CHHATTISGARH AT BILASPUR

**CRA No. 2531 of 2026**

Bhanwar Lal Tanwar S/o Ram Singh Aged About 22 Years R/o Village Bindibeda, P.S. Bhojpur, Distt. Rajgarh, M.P. **... Appellant**

**versus**

State Of Chhattisgarh Through The Station House Officer, P.S. Gandhinagar, Distt. Surguja, Chhattigarh. **... Respondent/Non-appellant**

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Date: 2026.11.05 19:00:53 +0530

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| For Appellant | : | Shri Kusum Lalchandani, Advocate. |
| For Respondent / Non-Appellant/State | : | Shri Jitendra Shrivastava, Government Advocate. |

**(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)**

**Order on Board**

**05/11/2026**

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. As per office note, notice issued to the victim/complainant has been duly served on the complainant.

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.30/2026 registered at Police Station Gandhinagar, District Surguja (C.G.), for the offence punishable under Sections 126(2), 140(2), 3(5) of the B.N.S. and Section 3(2)(v) of the Act, 1989.

4. As per the case of the prosecution, on 15.01.2026 at about 7:30 pm when the prosecutrix returned to her house at Ambikapur, the appellant along with his friends and relatives came there by vehicle bearing registration No. MP-13-CC-4342 and abducted her and after that, she was abused in the name of her caste. The owner of the rented house informed the Police. On such report/complaint, the police registered the offence as stated above against the appellant.

5. By order dated 01.08.2026 passed by the learned Special Judge in Case No.16/2026, 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 submit that the appellant was not named in the F.I.R.; age of the victim was 32 years on the date of

incident; co-accused has already been granted bail and the allegations are almost similar; charge-sheet has been filed; appellant is in jail since 15.01.2026; he has no criminal antecedents 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 submit that the appellant was actively involved in the commission of crime; the victim was kidnapped by the co-accused Ramprasad Tanwar and the appellant assisted the main accused, therefore, this appeal deserves to be dismissed.

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

9. Having considered the facts stated above; charge-sheet has already been filed; the appellant is in jail since 15.01.2026; main allegation of kidnapping is against accused Ramprasad Tanwar; co-accused persons have already been enlarged on bail; 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 01.08.20266 passed by the learned Special Judge in Case No.16/2026 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