CGHC010390302026 2026:CGHC:46899

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2529 of 2026

- Rajat Joshi@ Rajju S/o Shri Krishna Lal Joshi Aged About 33 Years R/o Gurugovind Singh Ward, In Front Of Manav Sangrahaly Dharmpura, Jagadalpur, P.S. Bodhghat, Distt. Bastar, Chhattisgarh.

... Appellant

versus

- State Of Chhattisgarh Through The Police Station Adim Jati Kalyan Thana Kotwali, Jagdalpur, Distt. Bastar, Chhattisgarh.

... Respondent

For Appellant : Mr. P.K. Tulsyan, Advocate
For State : Mr. Dharmesh Shrivastva, Dy. Advocate General

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

05.11.2026

1. Victim appeared through virtual mode and raised serious objection in grant of bail to the appellant.

2. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 for setting aside of order dated 19.08.2026 passed by the Special Judge (Atrocities), Bastar(Jagdalpur) and for grant of regular bail to the appellant, who has been arrested in connection with Crime No. 02/2026, registered at Police

Station- AJAK, Jagdalpur District Bastar (C.G.) for the offence punishable under Section 64 of BNS and Section 3 (2) (v) of SC/ST (Prevention of Atrocities) Act, 1989.

3. As per the case of the prosecution, FIR was lodged by the victim on 11.06.2026 against the appellant, alleging that she belongs to Scheduled Tribe community and is working on the post of Peon in Agricultural Department. There was a love affair and cordial relationship between the appellant and victim. It is further alleged that appellant assured her of marriage and subsequently, they shifted to a rented house on 18th February, 2026, where they stayed till 07.06.2026. It is also alleged that during said period, the appellant sexually exploited her on pretext of marriage. It is further alleged that appellant is a married person. There is also an allegation of physical assault. On such complaint, police registered offence as stated above.

4. Learned counsel appearing for the appellant would argue that there was a love affair between the appellant and victim; therefore, provisions of Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989, would not attract. It is further argued that appellant and victim were known to each other since 2013. He further submits that in her statement recorded under Section 183 of BNSS, she has categorically stated that she was aware of the fact that appellant was married and subsequently divorced. It is also argued that victim stayed along with the appellant in a rented house for a period of three months and there was a consensual relationship between them. Thus, he would pray for grant of bail to the present appellant.

5. On the other hand, learned counsel appearing for the State would oppose the prayer. Mr. Dharmesh Shrivastava, learned Deputy Advocate General would submit that present appellant, on false pretext of marriage, sexually exploited the victim, who belongs to Scheduled Tribe community. It is also contended that there are serious allegations against the appellant, and therefore, this appeal deserves to be dismissed.

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

7. Having considered fact that victim is a mature lady aged about 34 years and she is a Government servant; she was well aware of the consequences of such relationship, particularly when the marital status of the appellant was within her knowledge; she voluntarily stayed along with the appellant in a rented house for about 2-3 months. Further, charge-sheet has been filed, appellant has no criminal antecedents and trial is likely to take considerable time for its conclusion, without making any observation on the merits of the case, I am inclined to allow this appeal. The order dated 19.08.2026 passed by the Special Judge (Atrocities) Bastar Place - Jagdalpur in Special Case No. 05/2026 is hereby set-aside. Accordingly, instant criminal appeal is **allowed.**

8. It is directed that, in the event of the appellant executing a personal bond in the sum of Rs. 50,000/- with one surety to the satisfaction of the concerned trial Court, he shall be released on bail on 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 them by the said Court till disposal of the trial.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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