CGHC010390312026 2026:CGHC:45624

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9504 of 2026

Prem Sahu @ Premu Sahu S/o Dindayal Sahu Aged About 19 Years R/o Village Umrav Nagar, Khamhariya, P.S. Khamhariya District Bemetara Chhattisgarh

... Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahila Thana Kawardha, District Kabirdham Chhattisgarh

... Respondent(s)

For Applicant	:	Mr. Sanjay Kumar Sahu, Advocate
For Non-Applicant	:	Ms. Ritika Verma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

28.10.2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 8/2026 registered at Police Station

Mahila Thana Kawardha, District- Kabirdham (C.G.) for the offence punishable under Sections 74, 75 (2), 126 (2), 131, 49 and 3(5) of BNS.

2. That, as per the prosecution story, in brief, the complainant/victim lodged a report at the concerned police station, alleging that on 16.03.2026, the victim was returning home on foot along with her mother after purchasing medicines from a medical shop. When they reached near Kabir Welding Shop and Society at about 6:00–7:00 p.m., four unknown persons arrived there in a vehicle and allegedly attempted to outrage her modesty. Based on these allegations, offences punishable under Sections 74, 75(2), 126(2), 131, 49, and 3(5) of the Bharatiya Nyaya Sanhita (B.N.S.) were registered against the accused. Hence, the bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the applicant has not committed any offence as alleged by the prosecution. The allegations levelled against the applicant are false and disputed, and the applicant deserves to be enlarged on bail. It is further submitted that the applicant is ready and willing to cooperate with the investigation and abide by all the terms and conditions that may be imposed by this Hon’ble Court. The applicant undertakes not to misuse the liberty of bail or tamper with the prosecution evidence in any manner. It is further submitted that the applicant is a permanent resident of the locality and there is no likelihood of his absconding or evading the

process of law. The applicant is ready to furnish adequate bail bonds and sureties to the satisfaction of this Hon'ble Court. In view of the facts and circumstances of the case, the nature of the allegations, and the principle that bail is the rule and jail is the exception, learned counsel for the applicant prays that the applicant may kindly be enlarged on bail in the interest of justice.

4. Learned counsel for the State vehemently opposes the bail application and submits that the allegations levelled against the accused are serious in nature. It is submitted that, as per the prosecution case, on 16.03.2026, the victim was returning home on foot along with her mother after purchasing medicines from a medical shop. When they reached near Kabir Welding Shop and Society at about 6:00–7:00 p.m., four unknown persons allegedly arrived in a vehicle and attempted to outrage the modesty of the victim. Learned counsel for the State further submits that the allegations disclose the commission of cognizable offences, and the matter requires proper investigation. It is contended that granting bail to the applicant at this stage may adversely affect the investigation and the prosecution case. It is further submitted that, considering the nature and gravity of the allegations and the overall facts and circumstances of the case, the applicant does not deserve the privilege of bail at this stage. Accordingly, learned counsel for the State prays that the bail application filed on behalf of the applicant may kindly be rejected in the interest of justice.

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

6. Having heard the learned counsel for the applicant and the learned counsel for the State and upon perusal of the case record, it appears that the allegations levelled against the applicant are yet to be established during the course of trial. Considering the facts and circumstances of the case, the nature of the allegations, and without expressing any opinion on the merits of the case, this Court is of the view that the applicant deserves to be enlarged on bail. Accordingly, the bail application is allowed. Let the applicant be released on bail upon furnishing bail bonds and sureties to the satisfaction of the learned court concerned, subject to such terms and conditions as may be imposed by the Court.

7. It is directed that in the event of the applicant executing a personal bond for a sum of **Rs. 50,000/-** to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(a) he shall make himself available for interrogation by the police officer as and when required;

(b)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; and

(c) he shall not act in any manner which will be prejudicial to a fair and expeditious trial.

The observation made hereinabove is for the purpose of

deciding this bail application only, the learned trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Saurabh