CGHC010397982026 2026:CGHC:47381

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9616 of 2026

1 - Kuldeep Patel S/o Degreelal Patel Aged About 21 Years R/o Village Mokhaputka, P.S. Saraipali, Distt. Mahasamund, Chhattisgarh.

... Applicant

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Of Police Station Saraipali, Distt. Mahasamund, Chhattisgarh.

... Non-applicant

For Applicant	:	Mr. Jitendra Shukla, Advocate
For Non-applicant /State	:	Ms. Monika Thakur, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

17/11/2026

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. 261/2026, registered at Police Station Saraipali, District – Mahasamund (C.G.) for offence punishable under Sections 164(2)(m) and 69 of BNS and Sections 4 and 6 of POCSO Act and Section 3(2)(v) of the SC/ST (Atrocities) Act.

2. As per the case of the prosecution, FIR was lodged by the victim against the present applicant on 06/08/2026 to the effect that there was a love affair between them and on 03/07/2026, the applicant asked her to run away with him and thereafter, on 04/07/2026, the appellant took her to Bangalore and on the pretext of marriage, sexually assaulted her on multiple occasions. Subsequently, on 17/07/2026, they left Bangalore to return to their homes, however, when they reached Raipur Bus Stand, the applicant left the victim and ran away . On the basis of such allegations, the police arrested the present applicant.

3. Mr. Jitendra Shukla, learned counsel for the applicant, would argue that on the date of the incident, the age of the victim was 19 years and there was a consensual relationship between the applicant and the victim and both of them stayed at Bangalore from 04/07/2026 till 17/07/2026 and established physical relations. He would further contend that victim has given her consent for grant of bail to the applicant and there is no allegation of forceful sexual assault against the applicant. He would further submit that the investigation has been completed and charge-sheet has already been filed and the applicant is in jail since 12/08/2026 and he has no criminal antecedents, thus, the appellant be released on bail as conclusion of trial is likely to take some time.

4. On the other hand, Ms. Monika Thakur, learned counsel appearing for the non-applicant/State, would oppose the bail application and argue that the victim, in her statement under Section 183 of BNSS has made a categorical statement with regard to forceful sexual assault committed by the applicant. She would further submit that

for the first time, the applicant sexually assaulted the victim when her age was 17 years and 1 months. It is further contended that as serious allegations are levelled against the applicant, therefore, this bail application is liable to be rejected.

5. The victim along with her mother appeared before this Court through video conferencing from the concerned District Legal Services Authority (DLSA) and gave her consent for grant of bail to the applicant.

6. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

7. Though it is alleged by the victim in her statement under Section 183 of BNSS that she was sexually exploited by the applicant when her age was 17 years, however, FIR was lodged by the victim on 06/08/2026 after attaining the age of majority. It is a case where the applicant and the victim stayed together in Bangalore for about 15 days and subsequently, they returned to Raipur.

8. Taking into consideration the facts and circumstances of the case, particularly that the investigation is complete and charge-sheet has already been submitted; the applicant is in custody since 12/08/2026; the victim has given her consent for grant of bail to the applicant, this Court, without expressing any opinion on the merits of the case, is of the considered view that a fit case for grant of regular bail is made out. Accordingly, the bail application filed by the applicant is **allowed**.

9. It is directed that in the event of the applicant executing a personal bond for a sum of **Rs.50,000/-** with one surety in the like sum to the

satisfaction of the concerned trial Court, he shall be released on bail, on 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, and

(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.

10. The observation made herein-above is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Harneet