NIRMALA
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CGHC010401122026 2026:CGHC:46007

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9735 of 2026

1 - Sandip Nayak S/o Shri Uday Nayak Aged About 20 Years R/o Baana Tal Raipura P.S. D.D. Nagar, Raipur, Distt- Raipur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station D.D. Nagar, Distt- Raipur (C.G.)

... Respondent(s)

For Applicant : Ms. Ankita Goswami, Advocate
For State : Ms. Ritika Verma, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

30.10.2026

1. Victim appeared along with her mother and has given her consent in grant of bail to the applicant.

2. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 153/2025 registered at Police Station D.D. Nagar, District Raipur (C.G.)

for the offence punishable under Sections 137(2), 64, 65A & 65 of BNS and Section 4 of POCSO Act.

3. As per the case of the prosecution, the applicant allegedly abducted the prosecutrix and committed sexual intercourse with her. On the basis of the complaint, the police registered the aforesaid offence against the applicant.

4. Learned counsel for the applicant would submit that, on the date of the incident, the victim in her statement recorded under Section 183 of the BNSS, has made false allegations against the present applicant. Learned counsel would further submit that the victim has already been examined before the learned trial Court and has not supported the case of the prosecution. He would also submit that the applicant has been in jail since 1.5.2026 and that the trial may take some time to conclude. He would contend that the applicant has no criminal antecedents. Accordingly, he would pray for grant of bail to the applicant.

5. On the other hand, learned counsel for the State would oppose the bail application. She would submit that, on the date of the incident, the victim was aged 13 years and 11 months and, therefore, was below 18 years of age and incapable of giving valid consent. Therefore, she would contend that the present application deserves to be rejected.

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

7. Having considered the facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, the fact that the victim has already been examined before the learned trial

Court and has not supported the case of the prosecution, the fact that the applicant has been in jail since 1.5.2026, and the likelihood of the trial taking some time to conclude, I am inclined to allow this application. Although one criminal antecedent under Sections 380 and 34 of the IPC, registered in 2023, is pending against the applicant, the same does not, in the facts and circumstances of the present case, warrant rejection of the bail application.

8. Accordingly, the bail application filed by applicant is allowed and it is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety 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,
>
> (iv) he shall not involve himself in any offence of similar nature in future.

The observations made in the course of this order are only for considering the case of the applicant on the application for grant of regular bail. The concerned trial Court shall not be influenced or bound by the observations made in the course of this order.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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