CGHC010402882026 2026:CGHC:46908

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9807 of 2026

1 - Pankaj Kumar S/o Rajesh Ram Aged About 39 Years R/o Village Bhadgawa, Police Station Chainpur District Palamum (Jharkhand)

... Applicant(s)

versus

1 - State Of Chhattisgarh Through- Police Station Bataouli, District Surguja Chhattisgarh. **... Respondent**

For Applicant	:	Ms. Jigyasa Singh, Advocate
For Respondent/State	:	Ms. Priya Sharma P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

05.11.2026

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. 115/2026, registered at Police Station Bataouli, District Surguja Chhattisgarh for the offence punishable under Sections 69 of BNS.

2. The case of the prosecution, in brief, is that a written complaint was lodged by the prosecutrix, aged about 28 years, against the present applicant on 07.09.2026, alleging therein that the present applicant

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sexually exploited her on the pretext of marriage during the period from 29.07.2026 to 06.09.2026. It is further alleged that they were in a relationship and had been living together as husband and wife, during which the applicant established physical relations with her on several occasions. Subsequently, she came to know that the applicant was already married. Pursuant to the complaint, an FIR was registered against the applicant for the offences mentioned above.

3. Learned counsel appearing for the applicant submits that the prosecutrix was aged about 28 years at the time of the incident. The applicant and the prosecutrix are related to each other and were in a consensual relationship for a considerable period and had been living together as husband and wife. He further submits that the prosecutrix was aware of the fact that the applicant was already married and that there was no concealment in this regard. The charge-sheet has already been filed, and the applicant is in jail since 08.09.2026. He, therefore, prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and submits that the applicant sexually exploited the prosecutrix over a considerable period on the pretext of marriage by concealing the fact of his existing marriage. He further submits that the prosecutrix has made serious allegations against the present applicant. Therefore, the bail application deserves to be rejected.

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

6. Taking into consideration the facts and circumstances of the case,

particularly the fact that the prosecutrix was a mature woman aged about 28 years at the time of the incident; the applicant and the prosecutrix were allegedly in a relationship for a considerable period; the applicant has no criminal antecedents; the charge-sheet has already been filed; the applicant is in custody since 08.09.2026; and the conclusion of the trial is likely to take some time, without commenting on the merits of the case, I am inclined to grant bail to the present applicant. Accordingly, the bail application is **allowed**.

7. Let applicant be released on bail on furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

Sd/-

(Rakesh Mohan Pandey)
Judge

Jyoti