CGHC010403922026 2026:CGHC:44267

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9704 of 2026

1 - Mahendra Bani S/o Laxmi Prasad Bani Aged About 36 Years R/o Village Risda, P.S. Masturi, District Bilaspur, Chhattisgarh Presently Residing At Village Kera, P.S. Nawagarh Distt. Janjgir, Chhattisgarh

--- **Applicant**

Versus

1 - State Of Chhattisgarh Through, Police Station Sarkanda Distt. Bilaspur Chhattisgarh

--- **Non-Applicant**

For Applicant	:	Mr. Mateen Siddiqui, Senior Advocate along with Mr. Waquar Naiyer, Advocate
For Non-applicant-State	:	Ms. Evelin Juneja, Panel Lawyer
For Objector	:	Mr. Pragalbha Sharma, Advocate

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

13/10/2026

1. This is the second bail application. The first bail application was dismissed as withdrawn vide order dated 08.09.2026 in MCRC No. 8276/2026.

2. This second bail application is filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 1176/2026 registered at Police Station – Sarkanda, District – Bilaspur, Chhattisgarh

for the offences punishable under Sections 69, 296 & 115 (2) of the Bharatiya Nyaya Sanhita, 2023.

3. Case of the prosecution, in brief is that the complainant lodged in the concerned police station alleging that the applicant and the complainant were working together in Swami Atmanand School, Tarbahar, District – Bilaspur. The applicant told the complainant that he is getting divorce from his wife and thereafter, wish to marry the complainant. On 15.08.2024, the applicant called the complainant in his house and on the false pretext of marriage committed sexual intercourse with her and due to the same, the complainant got pregnant and delivered a baby girl child, however, the child died on 21.04.2026. Thereafter, the complainant when asked the applicant for marriage, they had a quarrel and the applicant assaulted the complainant due to which she sustained injuries. Based on the report, the aforementioned FIR was registered and the applicant was arrested on 18.08.2026.

4. Learned counsel for the applicant submits that applicant is innocent, he has been falsely implicated in the crime. He has not committed any offence as alleged. He submits that during pendency of the application filed for grant of divorce from his first wife, the applicant have developed love relationship with the complainant. However, he could not marry her as the proceedings for divorce pending before the Court could not be finalized. The complainant apprehending that the applicant defrauded her had lodged report in the concerned police station. Applicant is in jail since 18.08.2026. Investigation is complete, charge-sheet has been filed, no custodial interrogation is required. Hence, the applicant may be enlarged on bail.

5. On the other hand, learned State counsel opposes the submission made by counsel for the applicant and would submit that there is specific allegation against the applicant of committing sexual intercourse with the

complainant on the false pretext of marriage and thereafter, refused to marry her. Hence, he is not entitled for bail.

6. Mr. Pragalbha Sharma, learned counsel for the Objector submits that he is having instructions to appear on behalf of the complainant and submits that the complainant is having no objection, if the applicant is granted bail.

7. I have heard learned counsel for the respective parties and perused the documents filed along with the bail application.

8. Taking into consideration, facts and circumstances of the case, nature of allegations, submission of learned counsel for the respective parties in particular, submission of counsel for the Objector, investigation is complete, charge-sheet has been filed, documents enclosed along with the bail application, trial is likely to take sometime, without commenting anything on merits of the case, I am inclined to allow this application for grant of bail.

9. Accordingly, the bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed and it is directed that applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of Trial Court concerned on the conditions that:

> *(a) 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.*
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> *(b) 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.*
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> *(c) In case, the applicant misuses the liberty of bail during trial and in order to secure her 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.*

(d) 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.

10. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith. Certified copy as per rules.

SHUBHAM DEY
Digitally signed by SHUBHAM DEY

Dey

Sd/-
(Parth Prateem Sahu)
Judge