CGHC010408552026 2026:CGHC:45865

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1743 of 2026

1 - Vishesh Jivtani S/o Shri Sanjay Jivtani, Aged About 26 Years R/o Shop No. 16-17, Dumartarai, Market Dumartarai, District Raipur Chhattisgarh.

--- **Applicant**

versus

1 - State Of Chhattisgarh Through- Station House Officer, Police Station Azad Chowk, District Raipur Chhattisgarh.

--- **Respondent**

(Cause title is taken from CIS system)

For Applicant : Mr. Sunil Otwani, Sr. Advocate with Mr. Ansh Goyal, Advocate

For Respondent/State : Mr. Aman Tamrakar, P.L.

For Objector : Mr. Veer Verma, Advocate

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

29/10/2026

1. This is the first bail application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail to the applicant who is apprehending his arrest in connection with Crime No. 230/2026 registered at Police Station – Azad Chowk, Raipur, District – Raipur (C.G.) under Sections 64 (2) (m), 69 of B.N.S., 2023.

BALRAM PRASAD DEWANGAN
Digitally signed by BALRAM PRASAD DEWANGAN

2. The prosecution case, in brief, is that the prosecutrix lodged a report alleging that she came into contact with the applicant about four months prior to the lodging of the report. The applicant allegedly visited her room on the pretext of marrying her and established physical relations with her for about two months from June 2026, but subsequently refused to marry her.

3. Learned counsel for applicant submits that applicant is innocent and he has been falsely implicated in this case. He submits that applicant came in contact with the complainant, who is major girl aged about 20 years and developed friendly relationship and thereafter, the allegation have been levelled against applicant that applicant has committed sexual intercourse with her for a period of two months from 01.06.2016 to 31.07.2026. He contended that even if the allegation of establishing physical relationship is to be considered, looking to the age of victim, who is major girl, aged about 20 years, relationship would be consensual. He also submits that after developing relationship, victim started threatening the applicant and some whats-app messages have also been forwarded to him in his mobile phone, extract of which is filed along this bail application. Hence, it is prayed that applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the submission of learned counsel for applicant. He submits that as per allegation, applicant developed physical relation with complainant on the pretext of marriage and thereafter refused to marry her. However, he submits that there is no criminal antecedents against applicant.

5. Learned counsel for the objector made similar submission as made by learned State counsel.

6. I have heard learned counsel for parties and perused the documents placed on record.

7. Taking into consideration the facts and circumstances of the case, nature of allegation, submission made by learned counsel for respective parties, without commenting anything on merits of the case, I am inclined to release the applicant on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned arresting officer. Applicant shall also abide by the following conditions:-

(i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the applicant 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/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Balram