CGHC010435152026 2026:CGHC:46988

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 1872 of 2026

1 - Upendra Bharti S/o Shri Raj Kapoor Bharti Aged About 38 Years R/o Village Baktara, Police Station - Mandir Hasaud And Distt. - Raipur Chhattisgarh

... Applicant

Versus

1 - State Of Chhattisgarh Through S H O, Police Station - Mandir Hasaud, Distt. Raipur Chhattisgarh

... Non-applicant

For Applicant	:	Mr. Vaibhav A. Goverdhan, Advocate
For Non-applicant/State	:	Mr. Afroz Khan, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

05/11/2026

1. Applicant has preferred this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 504 of 2026 registered at Police Station- Mandir Hasaud, District – Raipur (CG) for the offence punishable under Sections 115 (2), 351 (2), 64 (2) (m) of BNS, 2023.
2. Case of the prosecution, in brief, is that on 10.08.2025 at about 11:00 P.M., the applicant entered the house of victim, threatened and intimidated to kill her and also, her children. Thereafter, the

applicant committed forceful sexual intercourse with the victim and after the date of incident, committed forceful sexual intercourse with her on many occasions, due to which, she became pregnant and gave birth to a female child. Based on the report, aforementioned crime was registered in which, the applicant is apprehending his arrest.

3. Learned counsel for applicant would submit that applicant is innocent, he has been falsely implicated in crime. He has not committed any offence as alleged. He contended that the victim is a divorced lady aged about 32 years having 06 children and if the allegations of having physical relationship between the two is to be considered, it will be a consensual relationship. He further submits that the allegation of committing physical relationship with the victim on the pretext of marriage is false. Hence, he may be granted anticipatory bail.

4. On the other hand, learned counsel for State opposes the submission of learned counsel for the applicant and would submit that according to the allegation leveled by the victim, the applicant first entered the house and forcefully committed sexual intercourse with the victim and thereafter, established physical relationship on many occasions, due to which, she became pregnant. He further contended that after conceiving pregnancy, intimated this fact to the wife of the applicant, upon which, the applicant again threatened her. However, he do not dispute the submission of counsel for the applicant with regard to the age and marital status of the victim.

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

6. Taking into consideration the facts and circumstances of the case, nature of allegations, submission of learned counsel for the respective parties, there is no other criminal antecedent against the applicant, age of the victim, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

7. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, 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) 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 from disclosing such facts to the Court or to any police officer;*

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Dey