CGHC010436892026 2026:CGHC:47084

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10730 of 2026

Govind Ogre S/o Late Ramkumar Ogre Aged About 27 Years R/o Ward No. 2 Block - Colony (Nutan Chowk) , Gharghoda, Police Station - Gharghoda, District - Raigarh (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through Police Station - Gharghoda, District - Raigarh (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Dhirendra Prasad Mishra, Advocate.
For Non-Applicant/State	:	Mr. Sourabh Sahu, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

16/11/2026

1. This is the second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS') for grant of regular bail to the applicant, who has been arrested in connection with Crime No.31/2026 registered at Police Station Gharghoda, District Raigarh (C.G.), for the offence punishable under Sections 137(2), 87 and 64(1) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the POCSO Act.

2. Earlier, the first bail application of the applicant was rejected by a Coordinate Bench of this Court in MCRC No.5691/2026 vide order dated 31.07.2026 on merits. Hence, this second bail application.

3. The prosecution case, in brief, is that on 30.01.2026, the complainant lodged a missing report stating that her minor daughter had gone to school on 29.01.2026 but did not return home. During investigation, the victim was recovered from the applicant. It is alleged that the applicant had taken the victim with him and stayed with her from 29.01.2026 to 12.02.2026, during which he married her and established physical relations with her. Based upon such, aforesaid offences were registered against the applicant.

4. Learned counsel for the applicant would submit that the first bail application of the applicant was rejected on merits and the present application has been filed on the basis of subsequent developments. It is contended that PW-4, the brother-in-law of the victim, PW-6, the uncle of the victim, PW-7 and PW-8, friends of the victim and PW-9 have not supported the prosecution case and have turned hostile. It is further submitted that the author of the Dakhil Kharij Register has neither been cited as a prosecution witness nor examined before the trial Court. Out of 27 prosecution witnesses, only 11 witnesses have been examined so far. The applicant is in jail since 12.02.2026 and conclusion of the trial is likely to take considerable time. Therefore, the applicant may be released on bail.

5. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the first bail application of the

applicant has already been rejected by a Coordinate Bench of this Court on merits. It is further submitted that at the time of the incident, the victim was 16 years of age and the applicant had taken her away and committed sexual intercourse with her. The grounds raised in the present application are not sufficient to warrant grant of bail.

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

7. Having considered the facts and circumstances of the case, nature and gravity of allegations, the age of the victim at the time of the incident and the fact that the earlier bail application of the applicant was rejected on merits, this Court is not satisfied that the grounds raised in the present application constitute a sufficient change in circumstances to warrant grant of bail. Merely because certain prosecution witnesses have turned hostile, this Court cannot, at the stage of consideration of bail, test their reliability or credibility, as such evaluation is strictly reserved for the final trial. This Court cannot conduct a mini trial at this stage thus, it is not a fit case to enlarge the applicant on bail.

8. Accordingly, the second bail application of the applicant is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal