



2026:CGHC:3602



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 771 of 2026

- Gopal Shriwas S/o Puniram Shriwas Aged About 35 Years R/o House No. 25, Ward No. 2, Dihi Para, Dewgaon, Baramkela, Police Station Sariya, District : Sarangarh-Bilaigarh, Chhattisgarh

... Applicant

versus

- The State of Chhattisgarh Through - Officer-In-Charge, Police Station Sariya, District : Sarangarh-Bilaigarh, Chhattisgarh

... Respondent

(Cause title is taken from Case Information System)

For Applicant : Mr. Roop Ram Naik, Advocate

For Respondent/State : Ms. Vaishali Mahilong, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

- The applicant has preferred this Second Bail Application 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.124/2025, registered at Police Station – Sariya, District – Sarangarh-Bilaigarh (C.G.) for the offence punishable under Sections 77, 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 66(E), 67, 67-A of the Information Technology Act.
- The first bail application filed by the applicant was rejected vide order dated 13.10.2025 in MCRC No.8124 of 2025.



3. The case of the prosecution, is that on 18.06.2025 complainant lodged a report that accused Gopal Shriwas recorded her obscene video and seen it to her whatsapp. Based on these allegations this FIR has been registered and the applicant has been arrested on 09.07.2025.
4. It is argued by the learned counsel for the applicant that the applicant is innocent and has falsely been implicated in this case. He further submits that the first bail application filed by the applicant was rejected vide order dated 13.10.2025 in MCRC No.8124 of 2025 and he has filed second bail on the ground that there are total nine prosecution witnesses, out of which only two witnesses victim (PW-1) and her brother (PW-2) have been examined and they have not supported the case of the prosecution. He also submits that there is no criminal antecedents registered against the present applicant and the charge-sheet has been filed in this case. The applicant is in jail since 09.07.2025 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail to the applicants.
5. On the other hand, the learned State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused all of the documents available on record.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicants and the fact that there are total nine prosecution witnesses, out of which only two witnesses victim (PW-1) and her brother (PW-2) have been examined and they have not supported the case of the prosecution, the applicant is in jail since 09.07.2025, and conclusion of the trial is



likely to take some time, looking to the detention period of the applicant I am inclined to allow this application.

8. Let applicants, **Gopal Shriwas** involved in Crime No.124/2025, registered at Police Station – Sariya, District – Sarangarh-Bilaigarh (C.G.) for the offence punishable under Sections 77, 238, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 66(E), 67, 67-A of the Information Technology Act, be released on bail on his furnishing **a personal bond** with **two sureties** 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



2026:CGHC:3602

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.

9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

**Sd/-
(Ramesh Sinha)
Chief Justice**

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