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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 774 of 2026

- Shakir Ali S/o Shri Mohammad Qayamuddin Aged About 23 Years Resident Of Shyam Nagar Lingiyadih Police Station Sarkanda District- Bilaspur Chhattisgarh,

... Applicant

versus

- State Of Chhattisgarh Through Police Station Gaurela District- Bilaspur Chhattisgarh, Present District- G.P.M. (C.G.)

... Respondent

(Cause title is taken from Case Information System)

 For Applicant : Mr. Yashkaran Singh, Advocate

 For Respondent/State : Ms. Samiksha Gupta, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. The applicant has preferred this First 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. 0338/2025, registered at Police Station – Gaurela (C.G.) for the offence punishable under Sections 115(2), 138 and 69 of the Bnahrtya Nyay Sanhita (in short, BNS), 2023.
2. The case of the prosecution, is that prosecutrix and accused were in a relationship for two years, on 18.11.2025 when she had left for college, she accompanied accused in his motorcycle to Bilaspur



where she had stayed for 10 days under the pretext of marriage.

Prosecutrix has also stated in the FIR since the accused had threatened her against against her integrity thereby compelling her to accompany him on a 10 day long elopement with him. Thereafter FIR has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. He would submit that the prosecutrix is a major girl and she was consenting party. He further submits applicant and prosecutrix were in a relationship for about two years, which demonstrates that there was no inducement on part of the accused. It is further submitted that the charge-sheet has been filed in this case. The applicant is in jail since 01.12.2025 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail.
4. On the other hand, the learned State counsel opposes the bail application and submits that there is one criminal antecedents registered against the present applicant under the Excise Act and the charge-sheet has been filed in this case and submits that as per the statement of the prosecutrix recorded under Section 183 of BNS, prosecutrix was in contact with the present applicant since for about two years, applicant made physical relation with her on the pretext of marriage arising out of pretext of marriage and when the prosecutrix asked the applicant about marriage he denied, therefore, he is not entitled for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused all of the documents available on record.



6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and submissions made by learned counsel for the parties, also considering the statement recorded under Sections 183 of BNSS of prosecutrix, the fact that prosecutrix is a minor girl and she was consenting party, charge-sheet has been filed against the applicant, the applicant is in jail since 01.12.2025 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.
7. Let applicant, **Shakir Ali**, involved in Crime No.0338/2025, registered at Police Station – Gaurela (C.G.) for the offence punishable under Sections 115(2), 138 and 69 of the Bharatiya Nyaya Sanhita (in short, BNS), 2023, 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



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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 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.

8. 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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