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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 925 of 2026**

Punendu Dhiwar @ Jassi S/o Shri Santosh Dhiwar Aged About 20 Years R/o Village Farhada, P.S. Kharora, District Raipur, Chhattisgarh. **... Applicant(s)**

**versus**

State Of Chhattisgarh Through S.H.O., P.S. Kharora, District Raipur, Chhattisgarh. **... Respondent(s)**

**(Cause title is taken from the CIS)**

For Applicant : Shri Ravindra Sharma, Advocate  
For Respondent/State : Shri Ghanshyam Kashyap Dy GA

**Hon'ble Shri Justice Ravindra Kumar Agrawal**

**Order on Board**

**24.02.2026**

1. Pursuant to order dated 28.01.2026, victim along with her father appeared through virtual mode from the concerned DLSA, and raised objection in granting bail to the applicant. Their objection is taken on record.
2. This is the first bail application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail. The applicant has been arrested in connection with Crime No.650 of 2025, registered at Police Station Kharora, District-Raipur, CG for the offence under Sections 137(2), 65(1), 3(5) of the Bharatiya Nyay Sanhita, 2023 (BNS), and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act').

3. The case of prosecution, in brief, is that, on 20.09.2025, the victim lodged a report against the applicant that he committed rape upon her in the intervening night of 17<sup>th</sup> and 18<sup>th</sup> of September, 2025. Co-accused Lokesh Yadav @ Lalla took the victim and present applicant to the house of the applicant, where applicant committed forceful sexual intercourse with her, and left her near the pond. FIR has been registered for the offence under Sections 137(2), 65(1), 3(5) of the Bharatiya Nyay Sanhita, 2023 (BNS), and Sections 4 and 6 of the POCSO Act, in which the applicant has been arrested on 20.09.2025 and charge-sheet has been filed.

4. Learned counsel for the applicant would submit that victim is a major girl, having love affair with the applicant, she on her own will eloped with him, and engaged in making consensual physical relation. It is only when her parents came to know about their relationship, she made complaint under their pressure, and made statement against the applicant. There is no legally admissible evidence with respect to her age that the victim is minor at the time of incident, and less than 18 years of age. The victim has raised no objection while going with the applicant, which shows her consent, and therefore, no *prima facie* offence is made out against the present applicant. The applicant is in jail since 20.09.2025, and final adjudication of the case will take its own time. He further submits that co-accused Lokesh yadav @ Lalla has been granted bail vide order dated 02.01.2026 passed by this Court in MCRC-9969 of 2025, therefore, present applicant may also be enlarged on bail.

5. On the other hand, learned State counsel opposes the submissions made by learned counsel for the applicant, and would submit that the report has been lodged by the victim immediately after the incident. There are

numerous injuries found on the private part of the victim, and she remained hospitalized from 19<sup>th</sup> to 29<sup>th</sup> September, 2025 at BR Ambedkar Memorial Hospital, Raipur. The injuries found on her private part itself shows that she was subjected to forceful sexual intercourse by the applicant in brutal manner. He would also submit that had she be a consenting party, she would not have lodged the report immediately after the incident. The case of the co-accused Lokesh Yadav @ Lalla is distinguishable on the fact that allegation against him is only that he has taken the victim and the present applicant on his motor-cycle up to the house of one Durgesh Kannouje. Hence, looking to the entire allegation against the present applicant, he is not entitled for bail.

6. Heard learned counsel for the parties and perused the case-diary.

7. Considering the submissions made by learned counsel for the parties, considering the gravity of offence, and allegation made against the present applicant, further considering the medical report of the victim that there are grievous injuries found on the private part of the victim, further considering that case of the co-accused co-accused Lokesh Yadav @ Lalla is distinguishable on the facts against the present applicant, I am not inclined to release the applicant on bail. His bail application, therefore, is rejected.

Certified copy as per rules.

Sd/-  
**(Ravindra Kumar Agrawal)**  
**JUDGE**