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2026:CGHC:9379

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1401 of 2026

1 - Gudeshwar Markam @ Babu S/o Besav Markam, Aged About 20 Years R/o Gare Besavpara, P.S. Farasgaon, District Kondagaon Chhattisgarh

... Applicant

versus

1 - State Of Chhattisgarh Through The Police Station Farasgaon District Kondagaon Chhattisgarh

... Respondent

For Applicant	:	Mr. Pravin Kumar Tulsyan, Advocate
For State /Respondent	:	Mr. Jitendra Shrivastava, G.A.

(Hon'ble Shri Justice Arvind Kumar Verma)

Order on Board

23/02/2026

1. This is the Second Bail Application filed under Section 483 of BNSS, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 100/2025, registered at P.S.- Farasgaon, District- Kondagaon (C.G.) for commission of

offence punishable under Sections Sections 137(2), 65(1), 351(3), 3(5) of the BNS and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred as 'POCSO Act').

2. First Bail Application bearing MCRC No. 8792 of 2025 was rejected by this Court vide its order dated 01.12.2025.
3. The case of the prosecution in brief is that the father of the victim lodged an F.I.R. that on 17.02.2025 the victim had gone to a wedding, where at around 09:00 p.m., Hitesh Markam forcibly took the victim out of the wedding house, where the applicant was standing with a motorcycle, both of them forcibly made the victim sit on the motorcycle and took her to a "Laadi" built in the field behind the house of Hitesh Markam and after the child returned from the scene of the incident, the applicant threatened the victim, allegedly committed forcefully sexual intercourse and also threatened to kill her and her parents if she disclosed the incident to anyone. Based on these facts, an F.I.R. was registered against the present applicant and the present applicant was arrested.
4. Learned counsel for the applicant would submit that the applicant has been falsely implicated in the present case and there is no evidence on record to connect the applicant with commission of the offence. There were consensual nature of the relationship between the victim and the applicant and there is also contradiction and omission in the statement given by the prosecutrix. He would next contend that FIR has been lodged after a long delay without satisfying the reason and the medical

report do not corroborate the fact of commission of rape. He would lastly contend that the prosecution has failed to collect any clinching evidence to prove that on the date of incident, the victim is minor and would submit that the applicant is in jail since 28.07.2025, therefore, he may be enlarged on bail.

5. *Per contra*, learned State counsel opposes the prayer for grant of bail.
6. Pursuant to the order dated 09.0.2026, the victim along with her mother appeared before this Court through DLSA, Kondagaon and raised objection to the present bail application.
7. I have heard learned counsel for the parties and perused the documents.
8. Perusal of the documents would show that the age of the victim is 14 years at the time of incident. Taking into consideration the facts and circumstances of the case, particularly taking into consideration the gravity of offence committed by the applicant and also considering the statement of the prosecutrix, I am not inclined to release the applicant on bail.
9. Accordingly, the bail application is rejected.
10. Office is directed to sent a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Arvind Kumar Verma)
JUDGE