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2026:CGHC:9902

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1469 of 2026**

Umesh Yadav S/o Late Nishamani Yadav Aged About 25 Years R/o Village Shankarpur, Police Station Sankara, District Masamund, Chhattisgarh.

... Applicant**versus**

State of Chhattisgarh *through* the Station House Officer, Police of Police Station Basna, District Mahasamund, Chhattisgarh.

... Respondent

For the applicant : Mr. Jitendra Shukla, Advocate

For the State : Dr. (Smt.) Richa Pandey, Panel Lawyer

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)**Order on Board****25.02.2026**

1. This is first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant in Crime No. 331/2025 registered at Police Station Basna, District Mahasamund (CG) for the offences under Sections 137(2), 64(2)(M), 69, 65(1) of BNS 2023 and section 6 of the POCSO Act.

2. As per the prosecution case, on 25.08.2025 the father of victim has lodged the report that her minor daughter was found missing since 24.08.2025 and an unknown person had allured and enticed her away from their lawful custody, on which, crime was registered. During investigation the victim was recovered and the applicant was taken into custody on 08.09.2025.

3. Learned counsel for the applicant submits that the court statement of victim clearly shows that due to quarrel in victim's family, she had voluntarily left her parents house and accompanied the applicant, therefore, she was consenting party. The victim has also stated her age on the basis of Aadhar Card which is not credible. It is also clear from her court statement that when she asked to marry the applicant, he replied that he would marry her after attaining the age of majority. He further submits that although the victim is stated to be minor, yet the evidence of correct age has not been proved. He submits that the applicant is in jail since 08.09.2025; till date out of a total 13 witnesses, only 4 have been examined including the victim and her parents and there is no immediate possibility of disposal of case, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application and submits that at the time of incident, the victim was minor aged about 16 to 17 years and the applicant has established physical relations without her consent.

5. The victim along with her mother has appeared through VC from the concerned DLSA and the mother raised objection to grant bail.

6. Having considered the submissions made by learned counsel for the parties, overall facts situation of the case and further looking to the court statement of victim, without observing anything on the merits of the case, I am inclined to release him on regular bail.

7. Accordingly, this bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed in that behalf.

Cc as per rules.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Rao