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2026:CGHC:9900

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1575 of 2026**

Sanjay Joshi, Son of Panduram Joshi Aged About 23 Years Resident Of
Village Kapisda, P.S. Bamnindih, District Janjgir-Champa Chhattisgarh

... Applicant**versus**

State of Chhattisgarh Through Station House Officer, Police Station
Bamnindih, District Janjgir-Champa (C.G.)

... Respondent

For the applicant	:	Mr. Chandra Prakash Lahrey, Advocate
For the State	:	Miss Sunita Manikpuri, Govt. Advocate

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

1. This is second bail application filed under Section 483 of the
Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to
the applicant in Crime No. 03/2025 registered at Police Station
Bamnindih, District Janjgir-Champa (CG) for the offence under
Sections 137(2), 87, 64(2)(m) of B.N.S., and Sections 4 & 6 of the
POCSO Act. The first bail application has been rejected by order
dated 03.07.2025 passed in MCRC No.3519/2025.

2. As per the prosecution case, the mother of the girl lodged the report on 09.01.2025 that her daughter had gone to school and did not return. During investigation, it was found that earlier in July, 2024 the applicant has for the first time allured and established physical relation with her in a field. Thereafter, many times, he committed sexual intercourse with her at different places on the pretext of marriage. On 03.01.2025, the applicant took her away to Raipur where they had resided till her recovery on 03.03.2025 and during this period, he committed forcible sexual intercourse.

3. Learned counsel for the applicant submits that after rejection of first bail application, the victim has been examined on 16.09.2025 and it is clear from her court statement that there was love affair between the victim and the applicant, she had voluntarily accompanied him and the marriage was performed with him and thereafter they resided as wife and husband at Raipur , therefore, she was consenting party. He further submits that though the victim is shown to be minor, yet the evidence of correct age has not been proved. He submits that the applicant is in jail since 03.03.2025 and till date out of a total 16 witnesses, only 2 have been examined i.e., victim and mother 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 and the named FIR has been registered against the applicant.

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

6. Having considered the submissions made by learned counsel for the parties, over all facts situation of the case and further looking to the court statement of victim and custody period of the applicant as also the fact that conclusion of trial is likely to take time and further since there was changing circumstance after rejection of first bail application, without observing anything on the merits of the case, I am inclined to allow this bail application, at this stage.

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

