



2026:CGHC:13248

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1842 of 2026**

Govind Nirmalkar S/o Dujram Nirmalkar Aged About 49 Years R/o - Near Santoshi Temple, Torwa, P.S.- Torwa, District- Bilaspur C.G. ... **Applicant**

versus

State Of Chhattisgarh Through P.S. - Sarkanda, District- Bilaspur C.G.

...Non-applicant

For Applicant : Mr. Achyut Tiwari, Advocate

For Non-Applicant/State : Ms. Ankita shukla, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****19.03.2026**

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 62/2026 registered at Police Station - Sarkanda, District - Bilaspur (C.G.), for the offences punishable under Sections 294, 323, 506, 376(n) & 313 of the IPC.
2. The prosecution story, in brief, is that on 15.01.2026 alleging that the present applicant had established physical relations with her during

the period from 06.08.2018 to 13.06.2025. The applicant, however, categorically asserts that he has not committed any offence and has been falsely implicated in the present case. It is further submitted that the bail application preferred by the present applicant was dismissed by the learned Court below vide order dated 21.01.2026. Hence, being aggrieved by the said rejection and in view of the facts and circumstances of the case, the present bail application being filed before this Hon'ble Court.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in this offence. It is further submitted that there is no cogent evidence on record to suggest his involvement in the alleged offence in any manner; because, the applicant has never been involved in any such activity as alleged by the prosecution; because, the FIR has been lodged on 15.01.2026 alleging physical relations over a prolonged period from 06.08.2018 to 13.06.2025, i.e., after an inordinate and unexplained delay of several years, which casts serious doubt on the veracity and genuineness of the allegations; because, the allegations themselves disclose a long-standing consensual relationship between the parties, and the question whether such consent was vitiated is a matter of trial and cannot be conclusively determined at the stage of bail, because, the applicant has placed on record an agreement dated 16.09.2024 showing that the complainant had voluntarily agreed to reside with him and lead a marital life, thereby indicating the consensual nature of the relationship; because, the learned Court below has dismissed the bail application vide order dated 21.01.2026 without properly appreciating the material contradictions, delay in FIR, and settled principles

governing grant of bail; and because, the applicant places reliance on the judgments of the Hon'ble Supreme Court in *Maheshwar Tigga vs. State of Jharkhand* (2020) 10 SCC 108 and *Uday vs. State of Karnataka*, wherein it has been held that consent given in a long-standing relationship cannot be readily construed as consent obtained under misconception of fact, therefore, the applicant is entitled to be enlarged on bail.

4. On the other hand learned State counsel State opposed the bail application of the present applicant and submits that the present applicant on the pretext of marriage established physical relationship with the victim, therefore, he is not entitled for grant of regular bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of the allegations levelled against the applicant, and the material available on record indicating that the victim, being a major, was in a consensual relationship with the applicant during which a physical relationship was established, and thereafter the relationship could not materialize, leading to the lodging of the present FIR, and further taking into account that the applicant has been in custody since 15.01.2026 and that the trial is likely to take considerable time to conclude, this Court is of the considered opinion that the applicant is entitled to be released on bail in the present case.
7. Let the Applicant – **Govind Nirmalkar**, involved in Crime No. 62/2026 registered at Police Station - Sarkanda, District- Bilaspur (C.G.), for

the offences punishable under Sections 294, 323, 506, 376(n) & 313 of the IPC, be released on bail on his furnishing **personal bond** with **two local 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 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