



2026:CGHC:10551



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1546 of 2026**

Umesh Kumar Sonwani S/o Shri Hirasai Aged About 25 Years R/o Village Kudeli, P.S. Patna, Tahsil Baikunthpur District Korea (C.G.)

... Applicant**versus**

State of Chhattisgarh Through- Police Station- Patna District Korea (C.G.)

... Non-applicant

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Non-applicant/State	: Mr. Nitansh Jaiswal, Deputy G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****28.02.2026**

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. 02/2026 registered at Police Station : Patna District - Korea (C.G.) for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023.
2. The prosecution story in brief is that the complainant/victim lodged a report at Police Station Patna, Tahsil Baikunthpur, District Korea, alleging that the applicant committed rape upon her in the month of December 2024 and thereafter refused to solemnize marriage with her. Pursuant to the said report, the applicant was arrested, and the present bail application has been filed.



3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in the aforesaid case and has not committed any offence. It is contended that the victim was a major girl aged about 28 years and was a consenting party, and only after the applicant declined to marry her did she lodge the First Information Report against him. It is further submitted that, as per the statement of the victim recorded under Section 164 Cr.P.C., she has revealed that she was a consenting party. He further submits that the entire material collected by the prosecution is false and does not disclose the commission of any offence against the applicant. It is also contended that the victim is in the habit of falsely implicating persons to extort money, as is evident from the impugned order. It is also submitted that the medical report does not support the case of the prosecution. He further submits that the applicant has only one criminal antecedent, the charge-sheet has been filed before the competent Court and he is in jail since 05.01.2026 and the conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the present applicant.
4. On the other hand learned State counsel opposes the bail application of the present applicant and submits that the charge-sheet has been submitted before the competent Court in the present case. He further submits that the present applicant/accused forcefully committed sexually intercourse with the victim on the pretext of marriage, 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 circumstance of the case, nature and gravity of offence and from the perusal of statement of victim recorded, it appears that the victim who is a major girl aged about 28 years having a consensual relationship with the applicant and she was a consenting party and also considering the fact that the charge-sheet has already been submitted in the present case before the competent Court and the present applicant is in jail since 05.01.2026 and the trial is likely to take sometime for its conclusion, therefore, I am of the opinion that the applicant is entitled to be released on bail in this case.
7. Let applicant, **Umesh Kumar Sonwani**, involved in Crime No. 02/2026 registered at Police Station : Patna District - Korea (C.G.) for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023, be released on bail on his furnishing **a personal bond** with **two sureties** in the like amount 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