



2026:CGHC:12626

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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 1503 of 2026**

**1** - Vikky @ Samar Vishwas S/o Badal Vishwas Aged About 32 Years R/o Village And Post Sakalo, Near Kali Mandir, P.S. Gandhi Nagar, District Sarguja C.G.

**... Applicant(s)**

**versus**

**1** - The State Of Chhattisgarh Through S H O To Ps Tikrapara, District Raipur C.G.

**---Non-applicants**

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|--------------------|---|-------------------------------------------------------------------|
| For applicant      | : | Mr. Praveen Soni, along with Mr. Suraj Kumar Audheliya, Advocates |
| For-Non-applicants | : | Mr. Jitendra Shrivastava, G.A.                                    |

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**Hon'ble Shri Arvind Kumar Verma, Judge**

**Order on Board**

**17/03/2026**

1. The applicant has preferred this **Second Bail Application** under Section 483 of B.N.S.S. in connection with Crime No.0516/2025, registered at Police Station Tikrapara, District Raipur Chhattisgarh for the offences punishable under Sections 201, 307, 323, 363, 366, 376(2)(n), 506, 34 of IPC, Section 6, 17, 19 of the POCSO Act.
2. Earlier bail application was dismissed on merits on 14.11.2025 in



MCRC No. 8625/2025.

3. Brief facts of this case is that the present case originates from a FIR lodged on 10.07.2025, by the Mother of the Prosecutrix (PW01). The Complainant alleges that on 22.04.2024, the Prime-Accused Kishore Gain abducted her minor daughter (the Prosecutrix) and transported her to Sakalu village, where he purportedly solemnized a marriage. It is further contended that when the Complainant and her husband attempted to intervene at the residence of the Prime-Accused, they were unlawfully restrained. The prime accused allegedly issued threats of self-harm to prevent the Complainant from retrieving the Prosecutrix. On 05.05.2024, the Complainant purportedly learned that the Prosecutrix had sustained an air-gun injury. Upon visiting the hospital, the Prosecutrix allegedly disclosed that she had been abducted, subjected to non-consensual sexual intercourse (rape), and intimidated with dire consequences. The specific allegation against the present Applicant is limited to the abetment of the alleged abduction. It is contended that the Applicant, acting in concert with others, facilitated the movement of the Prosecutrix. Following the investigation, the Applicant was subsequently arrested on 12.07.2025 and remains in judicial custody.
4. Learned counsel for the Applicant submits that upon a careful perusal of the entire Charge-Sheet, the only allegation against the present Applicant is that his vehicle, i.e., Hyundai i10, was allegedly used by the prime accused for the commission of the alleged offence, and the said vehicle was seized from the possession of the Applicant's father. It is further submitted that the Applicant, along with his father, is



engaged in a lawful car-rental business, and there is no material on record to show his knowledge or involvement in the alleged act, except the applicability of Section 17 of the POCSO Act.

5. It is also contended by the learned counsel for applicant that there is an inordinate and unexplained delay of about 01 year, 02 months and 18 days in lodging of the FIR, which casts serious doubt on the prosecution story. Learned counsel further submits that on the date of the alleged incident, the prosecutrix was aged about 16 years, 10 months and 16 days, as per the documents on record. It is further submitted that the charge-sheet has already been filed and the material witnesses, namely the prosecutrix and her parents (PW-01, PW-02 and PW-03), have been examined before the trial Court and have turned hostile, thereby substantially weakening the prosecution case. It is argued that the conclusion of trial is likely to take considerable time.
6. Learned counsel further submits that the Applicant is in custody since 12.07.2025 and has undergone a substantial period of incarceration. The Applicant is innocent, has been falsely implicated, and his continued detention would cause undue hardship to his family and affect his means of livelihood. It is also submitted that on similar set of allegations, this Hon'ble Court has already granted bail to a co-accused, and therefore, on the ground of parity also, the present Applicant is entitled to be



released on bail.

7. Notice issued to the victim has duly been served, however, no one appeared on behalf of the victim. In such circumstances, Ms. Manubha Shankar, Advocate, who is present in the Court is appointed as amicus curiae to assist the Court on behalf of the victim.
8. After going through the documents, Ms. Manubha Shankar, Advocate, appointed as amicus curiae, opposes the prayer for grant of bail for the applicant
9. On the other hand, the learned counsel for the State opposes the bail application and submits that there is ample evidence on record to connect the appellant with commission of the offence. For which, the applicant has not given any plausible explanation, therefore, the bail application is liable to be dismissed.
10. I have heard learned counsel for the parties and perused the case diary produced by the learned counsel for the State.
11. Considering the nature and gravity of allegations, it is apparent that the present Applicant is not the principal accused and the allegation against him is limited to facilitation of the alleged offence by providing his vehicle. It is also noteworthy that the charge-sheet has already been filed and the material witnesses, including the prosecutrix (PW-02) and her parents (PW-01 and PW-03), have been examined before the trial Court and have turned hostile. The Applicant is in custody since 12.07.2025 and the conclusion of trial is likely to take considerable time. Taking into consideration the aforesaid facts and circumstances of the case, particularly the limited role attributed to the



Applicant, the fact that the key witnesses have not supported the prosecution case, the period of incarceration, and also considering the principle of parity as a co-accused has already been granted bail, without commenting on the merits of the case, this Court is inclined to **allow** the present Second Bail Application.

12. Let the present applicant be released on bail on his furnishing a personal bond with one surety 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 their counsel. In case of his absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bhartiya Nyaya Sahita, 2023

(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 2023. 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 Bhartiya Nyaya Sahita, 2023



(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 2023. 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 them in accordance with law.

13. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

**Sd/-**

**(Arvind Kumar Verma)**  
**Judge**