



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2132 of 2026

Girja Nishad W/o Mahesh Nishad Aged About 25 Years R/o Village Pidhi, PS Tumgaon, District Mahasamund, CG at present R/o Radha Bai Nishad Ka Makan, 40 Kholi Diksha Nagar Gudiyari Raipur Chhattisgarh

... Applicant

versus

State Of Chhattisgarh Through P.S. Gudiyari, Raipur Distt - Raipur Chhattisgarh

... Respondent

For Applicant	:	Mr. Shobhit Koshta, Advocate
For Respondent	:	Mr. Amit Verma, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

13/04/2026

1. The victim's parents appeared before this Court through virtual mode from the concerned DLSA and raised objection in granting bail to the applicant.
2. This is the second bail application filed u/s 483 of BNSS, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No.27/2025 registered at Police Station Gudiyari, Raipur, District Raipur (CG) for the offence punishable under Sections 351(2), 65(1), 49 BNS and Section 4 of POCSO Act.

3. The first bail application of applicant was dismissed as withdrawn vide order dated 21.07.2025 in MCRC No.4423/2025.
4. As per the prosecution case, on 16.01.2025, the victim had gone to the house of applicant, Girja Nishad, to return her child's clothing. It is alleged that applicant Girja Nishad locked her in a room where her husband's nephew, co-accused Bhupendra Nishad, was already present, who then forcibly committed sexual intercourse with her. When co-accused Bhupendra Nishad asked, applicant Girja Nishad opened the door, and both accused persons threatened her that they would kill her if she informed anyone about the incident. On the report being lodged in this regard, the applicant was arrested on 30.01.2025.
5. Learned counsel for applicant submits that the applicant is innocent and has been falsely implicated in this case. He submits that there was a delay of 13 days in lodging the FIR. The main accused in this case is Bhupendra who allegedly committed the offence. The victim has not been examined before the trial Court as she is untraceable. The trial Court dismissed the application to close her evidence. The allegation against the applicant is that he pushed the victim into a room and locked her inside. He further submits that out of total 18 witness, only 7 have been examined so far, the applicant is in jail since 30.01.2025 and there is no likelihood of the trial to be concluded at the earliest. Hence, considering all these facts, the applicant may be released on bail.
6. Learned State counsel, on the other hand, opposing the bail application submits that the victim was minor at the time of incident, the victim's parents have supported the case of prosecution and considering the

nature of offence, the applicant does not deserve to be released on bail.

7. Heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the entire facts and circumstances of the case, particularly the role of the applicant in the prosecution case and also considering the facts that the victim remains untraceable, the applicant is not the main accused, she is in jail since 30.01.2025, out of total 18 witnesses only 7 have been examined so far and there is all possibility of the trial taking considerable time for its conclusion, this Court is of the opinion that a case for grant of bail to the applicant has been made out.
9. Accordingly, the application for grant of bail is **allowed**. It is directed that the present Applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicant is directed to appear before the trial Court on each and every date to be given to her by the said Court till completion of the trial.
10. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

Sd/-
(Sanjay Kumar Jaiswal)
JUDGE