



2026:CGHC:12770



2026:CGHC:12770

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2276 of 2026**

Shiva Ram Chouhan @ Kutlu S/o Budhan Ram Chouhan Aged About 20 Years R/o Village - Nanpali, Chouki, Dokda, P.S. Kansabel, Distt Jashpur Chhattisgarh

.. Applicant(s)**versus**

State Of Chhattisgarh Through Station House Office, P.S. Kansabel, Distt Jashpur Chhattisgarh

... Non-applicant

For Applicant	:	Mr. Sachin Nidhi, Advocate.
For Non-Applicant	:	Mr. Sourabh Sahu, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice
Order on Board

17/03/2026

1. This is the first bail application filed under Section 483 of the BNSS for grant of regular bail to the applicant who has been arrested in connection with Crime No. 124/2025 registered at Police Station Kansabel, District- Jashpur (C.G.) for the offence punishable under Section 64(1), 64(2)(M) of BNS 2023.
2. Case of the prosecution, in brief, is that on 02.09.2025, the victim, along with her parents, appeared before Police Station Kansabel and lodged a report alleging that, prior to the festival of Raksha



Bandhan, she had gone to the house of her paternal aunt, situated within the jurisdiction of Police Station Kunkuri. It is alleged that on 09.08.2025, while she was staying at the house of the accused, namely Shiva Chauhan, in Village Nonpani, the accused approached her and stated that her aunt had left her there and that she should act in accordance with his directions. It is further alleged that the accused expressed his desire to marry her and thereafter committed forcible sexual intercourse with her against her will. The prosecution further alleges that the accused kept the victim with him for about two days and did not allow her to contact her parents. It is stated that when the accused went outside, leaving his mobile phone behind, the victim informed her father, who then came and took her back home. On the basis of the said report, a crime was registered against the accused. During the course of investigation, the statement of the victim was recorded, her medical examination was conducted and certain articles were seized and sent for forensic examination. The accused was arrested on 27.10.2025, and upon completion of the investigation, the charge-sheet was filed before the competent Court.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and that the allegations levelled against him are exaggerated and motivated. It is further submitted that the victim is a major and the relationship between the parties was consensual in nature however, when the said relationship could not be materialized, a false FIR came to be lodged against the applicant. He further submits that as



per the prosecution case itself, the alleged incident took place on 09.08.2025, whereas the FIR was registered on 02.09.2025 and the said delay has not been satisfactorily explained, thereby casting serious doubt on the veracity of the prosecution story. It is also contended that the investigation has already been completed and the charge-sheet has been filed before the competent Court and therefore, no further custodial interrogation of the applicant is required. It is further submitted that the applicant has been in judicial custody since 27.10.2025 and considering that the trial is likely to take a considerable time for its conclusion, continued incarceration would cause irreparable harm to his family and social life without serving any useful purpose. On these grounds, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel appearing for the respondent/State opposes the bail application and submits that the applicant has established physical relationship with the victim on the pretext of marriage and thereafter refused to do the same, hence he is not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, period of detention of the applicant since 27.10.2025 and further the fact that the victim is a major and as borne out from the material available on record, both parties were acquainted with each other and had a consensual relationship, which subsequently could not be materialised and also



considering that there is a delay in lodging the FIR which has not been satisfactorily explained, thereby creating doubt with regard to the prosecution version and further that the investigation has been completed and the charge-sheet has already been filed before the competent Court, this Court is of the view that no further custodial interrogation of the applicant is required and the trial is likely to take time therefore, the applicant is entitled to be released on bail.

7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the Applicant-**Shiva Ram Chouhan @ Kutlu**, involved in Crime No. 124/2025 registered at Police Station Kansabel, District-Jashpur (C.G.) for the offence punishable under Section 64(1), 64(2)(M) of BNS 2023, be released on bail on his furnishing a **personal bond** with **two 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.

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

Sd/-
(Ramesh Sinha)
Chief Justice