



2026:CGHC:21350-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 631 of 2026

Sanjay Kumar Verma S/o Swaminath Verma Aged About 38 Years R/o
Village Ratanpur P.S.- Laliya, District- Balrampur (Up)

... Appellant(s)

versus

The State Of Chhattisgarh Through Sho To P.S. Bilaigarh, District-
Sarangarh-Bilaigarh (C.G.)

... Respondent(s)

For Appellant(s) : Mr. Praveen Soni, Advocate.

For Respondent/State : Mr. N. K. Jaiswal, Dy. Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, C.J.

07/05/2026

1. This criminal appeal under Section 21(4) of the National Investigation Agency Act, 2008 (for short, 'NIA Act') is directed against the impugned order dated 19.02.2026 passed by the Special Judge (NIA), Bilaspur, District Bilaspur (C.G.) in connection with Special Case (NIA) No.10 of 2025 arising out of

Crime No.150/2024 registered at Police Station Bilaigarh, District Sarangarh–Bilaigarh, Chhattisgarh, whereby the application preferred by the appellant seeking bail for offences punishable under Sections 363, 370(4), 370A of the Indian Penal Code, 1860 (for short 'IPC') and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO Act') has been rejected.

2. Brief facts of the case are that Crime No.150/2024 was registered at Police Station Bilaigarh, District Sarangarh–Bilaigarh (C.G.) for offences punishable under Sections 363, 370(4), 370A and 376 of the IPC along with Section 6 of the POCSO Act on the basis of a complaint lodged by the mother of the victim alleging that her daughter had gone missing on 24.04.2024 while proceeding towards the fields. As per the prosecution case and supplementary statement of the victim, the present appellant along with other co-accused persons allegedly abducted the victim and sold her to co-accused Guru Prasad Verma in the State of Uttar Pradesh for an amount of Rs.35,000/-. The appellant was arrested on 04.07.2025 and is in judicial custody since then.
3. The appellant has preferred an application under Section 483 of the BNSS, and the same was rejected by the learned Special Judge (NIA Act), Bilaspur vide order dated 19.02.2026 mainly on the ground of gravity of offence and possibility of absconding as the appellant is resident of District Balrampur, Uttar Pradesh. After

filing of charge-sheet, charges have been framed against the appellant under Sections 363, 370A, 370(4), 376 of the IPC and Section 6 of the POCSO Act.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and is in judicial custody since 04.07.2025. It is contended that there is an inordinate and unexplained delay of about one month in lodging the FIR, inasmuch as the alleged incident is stated to have occurred on 24.04.2024 whereas the FIR came to be registered on 20.05.2024, which creates serious doubt regarding the veracity of the prosecution case. It is further submitted that in the questionnaire prepared by the police at the time of lodging the report, the cause of leaving was mentioned as elopement, thereby indicating consensual conduct on the part of the victim. He further submits that despite allegedly travelling through public places and residential areas, the victim did not raise any alarm or seek assistance from any person. It is also argued that the investigation suffers from material infirmities, as neither any memorandum under Section 27 of the Evidence Act was recorded nor any test identification parade was conducted. He further submits that the deposition of PW-01, mother of the victim, wherein she admitted that she was deposing as per the instructions of the lawyer. It is further submitted that the age of the victim has not been duly established in accordance with law, as no birth certificate has

been brought on record and the school register relied upon by the prosecution does not bear signatures of any competent authority. Learned counsel submits that although the victim has named the present appellant in her deposition, similarly situated co-accused Vijay Paswan has already been enlarged on bail by this Court vide order dated 30.01.2026 passed in CRA No.2542/2025.

5. Learned counsel further submits that almost all the material prosecution witnesses have already been examined and only the Investigating Officer remains to be examined. The matter is stated to be fixed before the learned trial Court on 21.05.2026. It is contended that there is no likelihood of the appellant influencing witnesses or tampering with the prosecution evidence at this stage. Learned counsel further submits that the appellant had never absconded prior to his arrest and merely being a resident of the State of Uttar Pradesh cannot be made a ground to deny the benefit of bail. Therefore, considering the period of incarceration undergone by the appellant and the stage of the trial, it is prayed that the appellant be enlarged on bail.
6. On the other hand, learned State counsel vehemently opposes the appeal and submits that the appellant is involved in serious offences punishable under Sections 363, 370(4), 370A and 376 of the IPC along with Section 6 of the POCSO Act and there is sufficient material available on record prima facie establishing his involvement in the alleged offence. It is submitted that the victim,

in her statements recorded under Sections 164 and 161 CrPC as well as in her deposition before the learned trial Court, has specifically named the present appellant and attributed active participation to him in the commission of the offence. Learned State counsel further submits that co-accused Vijay Paswan was granted bail by this Court on the ground that his name was not either in the statement recorded under Section 161 of Cr.P.C. nor in the statement recorded under Section 164 of the Cr.P.C of the victim, whereas the case of the present appellant stands on a different footing as his name was disclosed from the very inception during investigation itself. It is further submitted that the allegations pertain to trafficking and sexual exploitation of a minor girl and, therefore, considering the gravity and seriousness of the offence, the appellant is not entitled to the benefit of bail. Learned State counsel also submits that the learned Special Court has rightly rejected the bail application after due consideration of the material available on record and no interference is warranted in the impugned order. It is further submitted that the trial is at an advanced stage and only one prosecution witness, namely the Investigating Officer, remains to be examined. Considering the gravity of the offence, criminal antecedents of the appellant and the possibility of absconding or influencing witnesses, it is prayed that the present appeal being devoid of merit deserves to be dismissed.

7. We have heard learned counsel for the parties, perused the pleadings and documents appended thereto.
8. Considering the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court is not inclined to grant bail to the present appellant. The victim, in her statements recorded under Sections 161 and 164 CrPC as well as in her deposition before the learned trial Court, has specifically named the present appellant and attributed active participation to him in the alleged offence. The allegations against the appellant pertain to trafficking and sexual exploitation of a minor girl, which are grave and serious in nature. At this stage, this Court is not inclined to undertake a detailed appreciation of the evidence collected during investigation. So far as the ground of parity is concerned, this Court finds that the case of co-accused Vijay Paswan stands on a different footing, as his name had not surfaced during investigation and had appeared only subsequently during the deposition of the victim before the learned trial Court, whereas the present appellant was named by the victim from the inception itself. Therefore, the appellant cannot claim parity with the said co-accused.
9. The learned trial Court has rightly considered the gravity of the offence and other surrounding circumstances while rejecting the bail application. It is also pertinent to note that the trial is already in progress and only one prosecution witness remains to be

examined. Considering the seriousness of the allegations, the material available on record and the stage of the trial, this Court does not find any ground to interfere with the impugned order passed by the learned Special Court. Accordingly, the present appeal being devoid of merit is liable to be and is hereby **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice