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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3550 of 2026

Ramvriksh @ Ghutariya S/o Late Rupan, Aged About 40 Years R/o Village Pakni, Police Station Chandoura, District- Surajpur (C.G.)

... Applicant

versus

State of Chhattisgarh Through The Station House Officer, Police Station Chandoura, District- Surajpur (C.G.)

... Non-applicant

For Applicant	: Mr. V.K. Pandey, Advocate.
For Non-applicant/State	: Ms. Monika Thakur, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

20.04.2026

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. 16/2026 registered at Police Station : Chandoura, District – Surajpur (C.G.) for the offence punishable under Section 64(2)(M) of the Bhartiya Nyaya Sanhita, 2023.
2. The prosecution story, in brief, is that on 01.02.2026 at about 10:00 p.m., it is alleged that the present applicant repeatedly committed sexual intercourse with the victim at his house, in respect of which the victim lodged an FIR on 06.02.2026.



3. Learned counsel for the applicant submits that the present applicant/accused is an innocent person who has been falsely implicated in the present case. He submits that there is an inordinate delay of five days in lodging the FIR, which creates serious doubt regarding the alleged incident. He further submits that the victim is a major woman and a widow, aged about 35 years, and that the medical report does not confirm the factum of rape. He also submits that the present applicant has no criminal antecedents and has been in jail since 13.02.2026. As the conclusion of the trial may take some time, he therefore prays for the 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 already been submitted before the competent Court in the present case. She submits that on 01.02.2026 at about 10:00 p.m., the present applicant repeatedly committed sexual intercourse with the victim at his house. She further submits that, in respect of the said incident, the victim lodged the FIR on 06.02.2026, and that the allegations against the applicant are serious in nature, therefore, the applicant is not entitled for grant of regular bail in the present case.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the offence, and upon perusal of the statement of the victim recorded under Section 183 of the BNSS, it transpires that the victim, aged about 35 years, is a widow and that she and the applicant were known to each other. It further appears that the applicant had made promises to the victim that he would keep her, pursuant to which they entered into a consensual physical relationship, and the victim was a



consenting party. Further, considering that the charge-sheet has already been submitted before the competent Court and that the applicant has been in custody since 13.02.2026, and that the trial is likely to take some time to conclude, I am of the opinion that the applicant is entitled to be released on bail in this case.

7. Let applicant, **Ramvriksh @ Ghutariya**, involved in Crime No. 16/2026 registered at Police Station : Chandoura, District – Surajpur (C.G.) for the offence punishable under Section 64(2)(M) of the Bhartiya 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



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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 forthwith for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice

Abhishek