



2026:CGHC:20088

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3407 of 2026

Swayam Netam S/o Sanehi Netam, aged about 22 years, R/o Hemu Kalyani Ward, Jail Road Sai Nagar, Fafadih Bhathapara, Raipur, P.S. Ganj Raipur, District- Raipur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through - Station House Officer, Police Station-Bemetara, District- Bemetara (C.G.)

... Non-Applicant

(Cause title is taken from CIS)

For Applicant	: Mr. Amit Kumar Sahu, Advocate.
For Non-Applicant/State	: Mr. Narayan Prasad, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order on Board

30/04/2026

1. This is the **Second** bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 671/2025 registered at Police Station -Bemetara, District-Bemetara (C.G.), for the offence punishable under Sections 137(2), 64(1), 64(2)

(m) of BNS, 2023 and Sections 4 & 6 of POCSO Act, 2012.

2. The first bail application of the applicant was dismissed on merits by this Court on 28.01.2026 in MCRC No. 10186/2025 and at that time the trial was not commenced and the victim was not examined.
3. The prosecution's case, in short, is that the complainant who is mother of the victim, has made a complaint to the concerned police station against the applicant alleging inter alia that on the date of incident the applicant has carried the victim and committed sexual intercourse with her in the lodge. Based upon the said complaint, the police has registered the offence punishable under Sections 137(2), 64(1), 64(2) (m) of Bhartiya Nyay Sanhita and Sections 04, 06 of POCSO Act in Crime No. 671/2025 against the present applicant. On the basis of the complaint, a crime was registered and investigation commenced. During the investigation, the present applicant was apprehended on 04.11.2025.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the victim voluntarily accompanied the applicant and was a consenting party, therefore, no offence is made out against the applicant. The prosecution has failed to prove the age of the victim. The applicant has been in jail since 04.11.2025 and till date out of a total 23 witnesses only 03 witnesses have been examined and there is no immediate possibility of disposal of case, therefore, he may be enlarged on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that at the time of incident, the victim was minor and both the accused and victim were recovered on 03.11.2025

in a hotel.

6. The victim along with her mother has appeared through VC from the concerned DLSA and raised objection in granting bail to the applicant.
7. I have heard learned counsel appearing for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the nature and gravity of the offence, on perusal of the court statement of the victim and also taking into account the detention period of the applicant i.e., since 04.11.2025 and out of 23 witnesses, only 03 witnesses have been examined till date, and the trial is likely to take considerable time to conclude, therefore, I find it appropriate to release the applicant on bail.
9. Accordingly, the application is **allowed** and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed in that behalf.
10. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Sanjay Kumar Jaiswal)
Judge