



2026:CGHC:18392



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3635 of 2026

Tukeshwar Yadav S/o Shri Suresh Yadav Aged About 25 Years R/o Village-Singhri Chowki, Bejalpur, P.S. Bodla Distt.- Kabirdham (C.G.)

... **Applicant**

versus

State of Chhattisgarh Through - Chowki, Bejalpur, P.S. Bodla Distt.- Kabirdham (C.G.)

... **Non-applicant**

For Applicant	: Mr. Abhishek Chandra, Advocate.
For Non-applicant/State	: Mr. Shubham Bajpai, Panel Lawyer.
For Complainant	: Mr. Yashwant Chandravanshi, Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

22.04.2026

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. 05/2026 registered at Police Station : Mahila Thana, Kawardha, District – Kabirdham (C.G.) for the offence punishable under Sections 69, 115(2), 351(3) of the Bhartiya Nyaya Sanhita, 2023.
2. The case of the prosecution, in brief, is that the complainant/victim lodged a report at the Women Police Station, Kawardha, stating that she had known the accused since 2023 and had developed an acquaintance



with him. The accused professed his love and lured her with a promise of marriage. In August 2024, the accused allegedly married the victim in a temple and established a physical relationship with her at her rented accommodation. Thereafter, they lived together for about one year. During this period, the victim became pregnant, and the accused provided her with abortion pills on the pretext of marrying her at a later stage, which resulted in a miscarriage. It is alleged that the accused got the victim's pregnancy terminated on two occasions. On 11.02.2026, the accused again established a physical relationship with the victim on the promise of marriage but subsequently refused to marry her. It is further alleged that the accused physically assaulted the victim and threatened to kill her if she did not abort the child. At present, the victim is approximately two months pregnant. Based on the report lodged by the victim, a case has been registered at the Women Police Station, Kawardha, bearing Crime No. 05/2026, for the offences punishable under Sections 69, 115(2), and 351(3) of the Bharatiya Nyaya Sanhita (BNS), and the matter is presently under investigation.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that a compromise has been arrived at between the parties. The victim/complainant has expressed her willingness to compromise and has submitted an affidavit stating that she has no objection to the grant of bail to the accused. This clearly indicates that the matter is amenable to settlement, and the release of the accused on bail will not hamper the investigation or trial. He also submits that the applicant has no criminal antecedents and he is in jail since 24.02.2026, conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the applicant.



4. On the other hand learned State counsel opposes the bail application of the present applicant and submits that the charge-sheet has been submitted before the competent Court in the present case. He further submits that the present applicant/accused on the pretext of marriage committed sexual intercourse with the victim, thereafter, denied, therefore, he is not entitled for grant of regular bail.
5. Learned counsel for the complainant submits that the victim has no objection if the bail application of the present applicant is allowed.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the nature and gravity of the offence, and further the fact that, as averred by learned counsel for the applicant, the victim has expressed no objection to the applicant being granted bail, and moreover, the charge-sheet has already been submitted before the competent Court, and the applicant has been in judicial custody since 24.02.2026, and as 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.
8. Let applicant, **Tukeshwar Yadav**, involved in Crime No. 05/2026 registered at Police Station : Mahila Thana, Kawardha, District – Kabirdham (C.G.) for the offence punishable under Sections 69, 115(2), 351(3) 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 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 and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice