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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3653 of 2026

Ashok Thakur S/o Shri Gajraj Thakur Aged About 34 Years R/o Near Market Village Kheda, Thana Handiya District -Harda (M.P.)

... Applicant

versus

The State of Chhattisgarh Through Station House Officer, Police Station-Mahasamund, District Mahasamund C.G.

... Non-applicant

For Applicant	: Mr. Sumit Shrivastava, Advocate
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

01.07.2026

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. 96/2025 registered at Police Station : Mahasamund, District Mahasamund, (C.G.) for the offence punishable under Sections 79, 69 of the Bharatiya Nyaya Sanhita, 2023 and under Section 67 of Information Technology Act.
2. As per the prosecution case, in brief, the victim, aged about 28 years, lodged a written report on 12.03.2025 against the applicant



alleging that she had been in contact with him since May, 2018. It is alleged that on several occasions, namely in May, 2021, June, 2022, July, 2023 and again in March, 2024, the applicant came to Mahasamund, called the victim to a hotel, namely Rajasthani Hotel, and on the false promise and assurance of marriage established physical relations with her against the backdrop of such promise. It is further alleged that in March, 2024, the applicant again visited Mahasamund, took the victim to the said hotel and established physical relations with her on the same assurance of marriage. Subsequently, when the victim allegedly came to know that the applicant was already married, she discontinued all contact with him. Thereafter, it is alleged that the applicant threatened to upload her private photographs on Instagram if she did not continue the relationship. On the basis of the said written complaint, the police registered the FIR against the applicant, arrested him during the course of investigation, and after completion of the investigation, filed the charge-sheet before the competent Court. Hence, the present bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and has not committed any offence as alleged against him. It is contended that, as is evident from the written report itself, the applicant and the victim were in a consensual love relationship since the year 2018, and despite such long-standing relationship, the FIR came to be lodged only in March, 2025 after the victim allegedly came to know about the marital status of the applicant. It



is further submitted that even if the allegations contained in the FIR and the statement of the victim recorded under Section 183 of the Bhartiya Nagarik Suraksha Sanhita, 2023 are taken at their face value, the essential ingredients of the alleged offences, particularly the allegation of establishing physical relations on the false promise of marriage, are not made out. It is also submitted that although some prosecution witnesses have been examined, the trial has not progressed substantially as the victim and her family members repeatedly failed to appear before the Trial Court on several dates, including 18.11.2025, 06.03.2026 and 07.03.2026, resulting in repeated adjournments. It is further submitted that though the examination-in-chief of the victim was recorded on 07.03.2026, she has not appeared thereafter for her further examination, thereby delaying the conclusion of the trial. He further submits that the applicant has no criminal antecedents, is in jail since 02.05.2025, the investigation has been completed and the charge-sheet has already been filed, and the conclusion of the trial may take some time, therefore, he prays for 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 been submitted before the competent Court in the present case. She further submits that the applicant is involved in a serious offence of repeatedly establishing physical relations with the victim on the false promise of marriage and thereafter threatening her with the publication of her private photographs on social media.



It is contended that there are specific and consistent allegations against the applicant, which are duly corroborated by the material collected during the course of investigation. She further submits that the statements of the victim were recorded twice under Section 183 of the Bhartiya Nagarik Suraksha Sanhita, 2023, on 07.04.2025 and again on 05.06.2025, wherein she consistently supported the prosecution case and reiterated the allegations levelled against the applicant. Therefore, the applicant is not entitled to be released on bail.

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 of allegations, the contents of the FIR, the statements of the victim recorded under Section 183 of the Bhartiya Nagarik Suraksha Sanhita, 2023, the fact that the applicant and the victim were admittedly acquainted with each other and remained in a consensual relationship for a considerable period of time. Further considering the fact that the charge-sheet has already been submitted in the present case before the competent Court, he has no criminal antecedents and he is in jail since 02.05.2025 and the trial is likely to take sometime for its conclusion, therefore, I am of the opinion that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application of the applicant is **allowed**. Let applicant, **Ashok Thakur**, involved in Crime No. 96/2025



registered at Police Station : Mahasamund, District Mahasamund, (C.G.) for the offence punishable under Sections 79, 69 of the Bharatiya Nyaya Sanhita, 2023 and under Section 67 of Information Technology Act, be released on bail on his furnishing **a personal bond** with **two local 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.



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(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 for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Rahul Dewangan