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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3990 of 2026

Lalu @ Lalluram Gendle S/o Faguram Gendle Aged About 35 Years R/o Jhal, P.S. Bilha, District Bilaspur Chhattisgarh (P.S. Wrongly Mentioned In Page No. 10)

... Applicant

versus

State of Chhattisgarh Through P.S. Bilha, District – Bilaspur, Chhattisgarh

... Non-Applicant

For Applicant	: Mr. Anchal Kumar Matre, Advocate.
For Non-Applicant/State	: Ms. Monika Thakur, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

04.05.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. - 374/2025, registered at Police Station – Bilha, District - Bilaspur (C.G.) for the offence punishable under Section 64(2)(k) of Bharatiya Nyaya Sanhita, 2023.
2. As per the prosecution story, written complaint was filed by Kheluram Dahariya, the uncle of the victim, before the SHO of Police Station Bilha. The complainant alleges that on 24.08.2025, the Applicant/Accused visited his residence in Village Jhal for the purpose of delivering irrigation equipment. At the time of the visit, the complainant was away from home,



and only his niece i.e. the victim was present at home. It is alleged that the Applicant/Accused took advantage of the victim being alone and committed the offense of rape upon her. The complainant subsequently learned about the alleged incident from a neighbor, which prompted him to approach the police and register the present complaint against the Applicant/Accused. The applicant denied all the allegations and contended that he neither forced nor established any physical relationship with the victim. The applicant contends that he is innocent and that he is being falsely accused.

3. The learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the victim is a major girl aged about 22 years, and though allegations have been levelled against the applicant in her statement recorded under Section 183 of the BNSS, the same are not corroborated by the MLC report and the FSL report. During the course of trial, the victim was examined as PW-2, however, she has not supported the prosecution case. It is further contended that the charge-sheet has already been filed and the applicant has two previous criminal antecedents, out of which he has been acquitted in one case. He further submits that the applicant has been in custody since 27.08.2025. In view of the aforesaid circumstances, learned counsel prays that the applicant be enlarged on bail.
4. On the other hand, learned State counsel opposed the bail application and submitted that the charge-sheet has been filed.
5. I have heard learned counsel for the parties and perused the documents available on record.



6. Taking into consideration the facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, and the fact that the victim is a major girl aged about 22 years, and though allegations have been levelled against the applicant in her statement recorded under Section 183 of the BNSS, the same are not corroborated by the MLC report and the FSL report. During the course of trial, the victim was examined as PW-2, however, she has not supported the prosecution case. It is further contended that the charge-sheet has already been filed and the applicant has two previous criminal antecedents, out of which he has been acquitted in one case. He further submits that the applicant has been in custody since 27.08.2025, this Court is of the opinion that the applicant is entitled to be released on bail in the present case.
7. Accordingly, the bail application is **allowed**. Let the applicant - **Lalu @ Lalluram Gendle**, involved in Crime No. - 374/2025, registered at Police Station - Bilha, District - Bilaspur (C.G.) for the offence punishable under Section 64(2)(k) of Bharatiya Nyaya Sanhita, 2023, be released on bail on his furnishing a personal bond with **two sureties** in the like sum 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



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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.

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**