



2026:CGHC:24727



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5319 of 2026

Kamlu Tigga S/o Shri Chandar Say Tigga Aged About 40 Years R/o Village Gondpara Bhainsbudi Gahna Jhariya Thana Lailunga District Raigarh Chhattisgarh.

... **Applicant**

versus

State Of Chhattisgarh Through- Station House Officer Police Station Kapu District Raigarh C.G.

... **Non-Applicant**

For Applicant : Mr. Rajendra Patel., Advocate.

For Non-Applicant/State : Mr. Soumya Rai, Dy. Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

18.06.2026

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. 146/2025 registered at Police Station – Kapu District Raigarh (C.G.), for the offence punishable under Sections 70(2), 64(2)(m), 351(2), 140(3), 127(2) & 3(5) of the BNS.
2. The prosecution in brief is that on 21.07.2025 at about 09:00 PM, the



accused persons namely Kamalu Tikka and Dhansai Ekka allegedly came to the house of victim, armed with a sword, and threatened to kill her as well as her husband. It is alleged that thereafter the accused persons forcibly committed sexual intercourse with the prosecutrix and gang raped her against her will. The prosecution further alleges that after about one week, the accused persons forcibly took the prosecutrix with them to their village, where she was allegedly confined and subjected repeated sexual intercourse against her consent for about one week. Thereafter, the accused persons allegedly took the prosecutrix to village Bhainsguri and kept her there for another week, during which they again established forcible physical relations with her repeatedly. Subsequently, the prosecutrix was allegedly taken to village Kiriya, where also the accused persons committed forcible sexual intercourse with her. It is further alleged that on 29.08.2025 at about 08:00 PM, the accused persons again came to the house of the prosecutrix and, by threatening to kill her and her husband, committed gang rape upon her. On the basis of the aforesaid allegations, the police registered the offence against the applicant and co-accused and after completing the investigation charge-sheet has been filed.

3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. It was argued that the prosecution story, as reflected in the FIR itself, is highly improbable and contrary to the normal course of human conduct. It was further submitted that there is an unexplained delay of about one month and ten days in lodging the FIR, which casts serious doubt on the genuineness of the allegations. Learned counsel contended that the applicant had no prior acquaintance with the prosecutrix and has



been implicated without any cogent evidence. It was further submitted that the investigation is complete, charge-sheet has been filed, and no further custodial interrogation is required. The applicant is in judicial custody since 01.09.2025, the trial is likely to take considerable time, and his continued incarceration would amount to pre-trial punishment. It was also submitted that the prosecution has failed to collect reliable evidence regarding the age of the victim, that the applicant is the sole breadwinner of his family, is a permanent resident of the stated address, and there is no likelihood of his absconding or tampering with the prosecution evidence. On these grounds, prayer was made for grant of bail.

4. On the other hand, learned State counsel opposes the bail application and submits that the prosecutrix has levelled specific allegations against the applicant of committing gang rape upon her after extending threats to her and her husband. It is further submitted that the statement of the prosecutrix and the material collected during investigation *prima facie* support the prosecution case. Considering the gravity of the offence and the possibility of the applicant influencing the prosecutrix and other prosecution witnesses, it is prayed that the bail application be rejected.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having considered the case diary and the submissions advanced by learned counsel for the parties, this Court finds that the prosecutrix has levelled specific and serious allegations against the present applicant and the co-accused of having committed gang rape upon her after



extending threats to kill her and her husband. The prosecution case further discloses that the prosecutrix was allegedly taken away from her village and kept at different places for a considerable period, during which she was repeatedly subjected to forcible sexual intercourse against her will. The allegations, thus, indicate not only repeated commission of sexual assault but also wrongful confinement and intimidation. At this stage, without entering into a detailed appreciation of the evidence, the statement of the prosecutrix and the material collected during investigation *prima facie* support the prosecution case. Considering the gravity and seriousness of the allegations, the nature of the offence, the manner in which it is alleged to have been committed and the likelihood of the applicant influencing or intimidating the prosecutrix and other prosecution witnesses if released on bail, this Court is not inclined to extend the benefit of bail to the applicant. Accordingly, the application deserves to be and is hereby rejected.

7. Accordingly, the bail application of the applicant – **Kamlu Tigga**, filed under Section 483 of the BNSS, involved in Crime No. 146/2025 registered at Police Station – Kapu District Raigarh (C.G.), for the offence punishable under Sections 70(2), 64(2)(m), 351(2), 140(3), 127(2) & 3(5) of the BNS, is **rejected**.
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