



2026:CGHC:27249



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5851 of 2026

Nilesh Kumar Jaiswal S/o Hariram Jaiswal Aged About 19 Years R/o Village Jareli , P.S. Takhatpur, District- Bilaspur (C.G.)

... **Applicant(s)**

versus

State Of Chhattisgarh Through Station House Officer, Police Station Torwa District- Bilaspur (C.G.)

... **Non-applicant(s)**

For Applicant	: Mr. Chandra Kumar, Advocate.
For Non-Applicant/State	: Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

02/07/2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 265/2026 registered at Police Station- Torwa, District- Bilaspur (C.G.) for the offence punishable under Section 69 of B.N.S.
2. The prosecution case, in brief, is that the victim lodged a written complaint at Police Station Torwa on 22.05.2026 alleging that she came into contact with the present applicant through Instagram.



Thereafter, the applicant persistently contacted her over phone despite her repeated refusal. It is alleged that whenever she declined to speak with him, the applicant threatened to harm himself by saying that he would cut his hand, due to which she remained in telephonic contact with him for about one year. It is further alleged that on 16.05.2026, the applicant called the victim and requested her to come to Bilaspur on 17.05.2026 to celebrate his birthday, again threatening to harm himself if she did not come. Consequently, the victim, accompanied by her friends Sanjana Yadav and Sharda Yadav, came to Bilaspur and met the applicant at Happy Street, Pachri Ghat Garden. During the meeting, the applicant allegedly expressed his desire to marry the victim and thereafter persuaded her and her friends to accompany him to Blue Sky Hotel, Torwa, where two rooms were booked. According to the prosecution, after the birthday celebration, the applicant asked the victim to remain in his room while her two friends went to the adjoining room. It is alleged that at about 11:50 PM on 17.05.2026, the applicant, on the pretext of marrying her, established physical relations with the victim against her will. Thereafter, it is alleged that the applicant called the victim to his native place at Jareli, Takhatpur, where his family members allegedly refused to accept the relationship on the ground that she was older than him. Subsequently, on 22.05.2026, when the victim again visited the applicant's house along with her friends, the applicant allegedly refused to marry her and asked her to leave. Based on the aforesaid complaint, FIR No. 265/2026 was registered at Police Station Torwa for the offence punishable under Section 69



of the BNS.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that there is an unexplained delay of five days in lodging the FIR, which creates doubt about the prosecution case. It is further submitted that the victim is a major and the relationship between the parties was consensual. The victim voluntarily accompanied the applicant, stayed at the hotel after booking the accommodation herself and did not raise any objection at the relevant point of time. It is also submitted that the prosecution has registered the case solely on the basis of false and fabricated allegations without conducting a fair and proper investigation. It is further contended that the applicant has no criminal antecedents, is in judicial custody since 23.05.2026, however, the charge-sheet has not been filed but as the conclusion of the trial is likely to take considerable time, therefore he prays for grant of bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that the applicant, on the pretext of marriage, established physical relations with the victim against her will. Considering the nature and gravity of the offence and the material collected during investigation, it is prayed that the bail application deserves to be rejected.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, period of detention of the applicant



since 23.05.2026 and the fact that the victim is a major girl and from her statement recorded under Section 183 of the B.N.S.S. it transpires that she had been in a relationship with the applicant, had voluntarily accompanied him along with her friends to Bilaspur, stayed at the hotel where separate rooms were booked, thereafter remained in the applicant's room and the physical relationship between them prima facie appears to have been consensual, coupled with the fact that the dispute appears to have arisen after the relationship could not culminate into marriage, the charge-sheet has yet to be filed, the applicant has no criminal antecedents, and the conclusion of the trial is likely to take considerable time, this Court is of the view that it is a fit case to release the applicant on bail.

7. Accordingly, the bail application is **allowed**.
8. Let the Applicant- **Nilesh Kumar Jaiswal**, involved in Crime No. 265/2026 registered at Police Station- Torwa, District- Bilaspur (C.G.) for the offence punishable under Section 69 of B.N.S., 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



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.

Sd/-
(Ramesh Sinha)
Chief Justice