



2026:CGHC:27240



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 994 of 2026

Chiranjivi Hiyaal, S/o- Bhagyo Hiyaal, Aged About 32 Years R/o- Post and Village Bongomunda, District- Balangir, Odisha.

... Applicant

versus

State of Chhattisgarh Through S H O P.S.- Tikrapara, Raipur, C.G.

... Non-Applicant

For Applicant : Lukesh Kumar Mishra, Advocate.

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

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

02.07.2026

1. This anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No. 373/2026 registered at Police Station – Tikrapara, District - Raipur (C.G.) for the offence punishable under Section 376 of Indian Penal Code.
2. The prosecution story, in brief, is that the victim, a major and mature woman, lodged a written complaint before Police Station City Kotwali, Durg, Chhattisgarh, which was subsequently transferred to the concerned Police Station Tikrapara, Raipur, where the present offence against the applicant came to be registered. In her written complaint, the victim alleged that, since 29.10.2020, the applicant had established physical



relations with her on the pretext of marriage. However, a perusal of the complaint reveals that the applicant and the victim were in a voluntary and consensual relationship for a considerable period of nearly six years. It has also been stated in the complaint that both of them were in a relationship and had resided together. Thereafter, when their relationship turned sour in the year 2024, the present FIR came to be lodged in the year 2026 after an inordinate delay, allegedly with a view to wreak vengeance upon the applicant. It is further apparent from the complaint that the applicant is a government servant. Since the applicant is deeply rooted in society and is posted in the State of Odisha, there is no likelihood of his absconding or fleeing from the course of justice. However, the learned Court below, without appreciating these aspects, rejected the applicant's application for anticipatory bail solely on the ground that he is a resident of the State of Odisha and, therefore, may evade the legal process. It is also pertinent to submit that the applicant, being a government servant, has no criminal antecedents. In the event of his arrest or detention, he is likely to suffer severe prejudice, including adverse consequences affecting his service and career.

3. It has been argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant and the victim, who is a major, were in a consensual relationship for a considerable period of nearly six years. It is submitted that the FIR has been lodged only after the applicant declined to marry the victim, alleging that he had established physical relations with her on the false promise of marriage. It is further submitted that, after their relationship turned sour in the year 2024, the present FIR came to be lodged in the year 2026 after an inordinate delay. Learned counsel further submits that the applicant is a government servant and



has no criminal antecedents. Therefore, he prays that the applicant be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application. It is further submitted that the applicant committed sexual intercourse with the victim on the pretext of marriage. Hence, the applicant is not entitled for grant of regular bail.
5. I have heard learned counsel for the parties and perused the materials available on record.
6. Considering the facts and circumstances of the case, nature and gravity of allegation made against the applicant and the fact that there was a consensual relation between the applicant and the victim who is a major girl and an FIR has been lodged against the applicant on account of that the applicant refused to marry her and established relationship on the pretext of marriage and further considering the fact that after their relationship turned sour in the year 2024, the present FIR came to be lodged in the year 2026 after an inordinate delay, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicant – **Chiranjivi Hiyaal** on executing a personal bond with one surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-
 - (a) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - (b) The Applicant shall not act in any manner which will be prejudicial to fair and expeditious trial.



2026:CGHC:27240

(c) The Applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) The Applicant and the surety shall submit a copy of their adhaar card alongwith a colored postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) The Applicant shall not involve himself in any offence of similar nature in future.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Preeti