



2026:CGHC:10510

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1584 of 2026**

**1** - Rakesh Prajapati S/o Vishwanath Prajapati Aged About 22 Years R/o Navadih, Police Station Dudadhi, District Sonbhadra Uttar Pradesh.

**--- Applicant****versus**

**1** - State Of Chhattisgarh Through Chowki Balangi, Police Station Raghunathnagar, District Balrampur-Ramanujganj Chhattisgarh.

**--- Respondent**


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For Applicant : Mr. Hemant Kesharwani, Adv.

For Respondent/State : Mr. Anish Tiwari, Dy. G.A.

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**MCRC No. 399 of 2026**

**1** - Dinesh Kumar S/o Laxman Prasad @ Lakshan, Aged About 30 Years R/o Navdiha, P.S. Duddhi, Distt. Sonbhadra, Uttar Pradesh

**---Applicant****Versus**

**1** - State Of Chhattisgarh Through Police Station Raghunath Nagar District Balrampur C.G.

**--- Respondent**


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For Applicant : Mr. Vidya Bhushan Soni, Adv.

For Respondent/State : Mr. Anish Tiwari, Dy. G.A.

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**Hon'ble Shri Justice Sanjay Kumar Jaiswal**

**Order on Board**

**28/02/2026**

1. Since both the matters arising out of the same crime number, they are being heard and disposed of by this common order.
2. The accused/applicants have moved these **first** bail applications under Section 483 of BNSS, 2023 for releasing them on regular bail during trial in connection with Crime No. 103/2025 registered at Police Chowki – Balangi, Police Station - Raghunathnagar, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 70(B), 74, 331(6) of the BNS and Section 4 & 6 of POCSO Act.
3. As per the prosecution's case, on 29.07.2025, the victim No. 1, who is sister-in-law (Bhabhi) of victim No. 2, (victim No. 2 aged about 15-16 years) lodged a report alleging that on 08.07.2025, she and victim No. 2 stayed in the house, and her (victim No. 1) husband was out of house in the night, at that time, both the applicants entered the house. Applicant Rakesh Prajapati, committed forceful rape with victim No. 2 and applicant Dinesh Kumar caught her (victim No. 1) hand and molested her. Based on this, offence has been registered against the present applicants.
4. In **MCRC No. 1584/2026**, learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He further submits that the prosecution has failed to submit any document to demonstrate the age of the victim No. 2, that she was a minor at that time. The victim No. 1 is a major lady, who

lodged the report against the present applicant along with the co-accused. The minor prosecutrix did not raise any alarm in respect of the alleged incident. The applicant is in jail since 31.07.2025, and there is no likelihood of his case being decided in the near future; therefore, the present applicant may be released on bail.

5. In **MCRC No. 399/2026**, learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He further submits that there is a delay in lodging the FIR as the date of incident is 08.07.2025 and the date of report is 29.07.2025 and the delay is not explained by the prosecution. The complainant/victim No. 1 has been examined before the trial Court and there is a lot of contradiction and omission in the statement of the complainant. The applicant is in jail since 31.07.2025, and there is no likelihood of his case being decided in the near future; therefore, the present applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application and submits that the victim No. 1 has supported the case of the prosecution and there is clear specific allegation against the present applicants. The minor victim has also supported in her statement under Section 183 of BNSS, the minor victim No. 2 has yet to be examined before the trial Court, there are sufficient material against the present applicants; therefore, at this stage, they may not be enlarged on bail.
7. On 29.01.2026, the victim No. 1 and her husband was appeared through V.C. and raised their objection to grant of bail to the applicant.

8. Today, the minor victim No. 2 and her father appeared through V.C. from the concerned DLSA and raised their objection in grant of bail to the applicant.
9. I have heard learned counsel for the parties and perused the case diary.
10. Considering the entire facts and circumstances of the case, particularly looking to the material available on record, the evidence collected by the prosecution against the applicants, the gravity of the offence and also considering the fact that some important witnesses are yet to be examined, at this stage, without commenting on merits of the case, I am not inclined to release the applicants on bail. Accordingly, the bail applications filed under Section 483 of BNSS, 2023, are **rejected**.
11. However, considering the fact that the applicants are in jail since 31.07.2025 and out of 13 listed witnesses only 1 witness has been examined till date, the concerned trial Court is directed to expedite the trial and to ensure that the trial is concluded as expeditiously as possible preferably within a period of 5 months.
12. Office is directed to sent a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-  
**(Sanjay Kumar Jaiswal)**  
**Judge**

H.L. Sahu