



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6560 of 2025

1 - Shiva Valmiki S/o Teejuram Valmiki Aged About 26 Years R/o Tikarapara Behind Water Tank, Kanker, P.S.- Kanker, Distt. U.B. Kanker C.G.

... Applicant(s)

versus

1 - State Of Chhattisgarh Through Station House Officer, P.S.- Kanker, Distt. U.B. Kanker C.G.

... Respondent(s)

(Cause title taken from Case Information System)

For Applicant(s)	:	Ms. Anusha Naik, Advocate
For Respondent(s)/State	:	Ms. Sunita Manikpuri, Deputy G.A.

Hon'ble Shri Justice Ravindra Kumar Agrawal**Order on Board****26/09/2025**

1. Pursuant to the order dated 12.09.2025, the victim and her mother appeared through virtual mode from DLSA, Kanker and raised objection in granting bail to the applicant. Their objection is taken on record.
2. This is the first bail application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail. The applicant has been arrested in connection with

Crime No. 174 of 2024, registered at Police Station Kanker, District Uttar Bastar Kanker, Chhattisgarh for the offence under Sections 363, 366, 376/376(3) and 376(2)(n) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act').

3. The case of the prosecution is that, on 12.05.2024, the mother of the victim lodged a missing report that her minor daughter is missing since 11.05.2024 and her whereabouts could not be traced out. The police has registered the offence under Section 363 of IPC and started investigation. During the investigation, the victim was recovered on 16.05.2024 from village Chorbar, Bihar from the possession of the applicant and after recording her statement, other offences of Sections 366, 376/376(3) and 376(2)(n) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act') have been added. The applicant has been arrested on 18.05.2024 and charge sheet has been filed.
4. Learned the counsel for the applicant would submit that the victim is a major girl having love affair with the applicant. She on her own will had eloped with the applicant. Both of them had gone to Bihar and resided there. It is only under the pressure of her parents, the victim made statement against the applicant. She would further submit that that victim has been examined before the learned trial Court as PW-1, and has completely turned hostile and not supported the prosecution's case. The applicant is in jail since 18.05.2024, final adjudication of the case will take its own time. Therefore, he may be enlarged on bail.

5. On the other hand, learned counsel for the State opposes.
6. I have heard learned counsel for the parties and perused the material available in the case.
7. Considering the submissions made by learned counsel for the parties, considering the nature of allegations and the material collected during the investigation, further considering the statement of the victim and also that the applicant is in jail since 18.05.2024, further that the victim has been examined before the learned trial Court and has completely turned hostile, without commenting anything on merits, I am inclined to release the applicant on bail.
8. Consequently, the present application filed by the applicant for grant of regular bail is hereby **allowed**.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, on following conditions:-

(i) He 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.

(ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial.

(iii) He shall appear before the trial Court on each and every date given to him by the concerned trial Court till disposal of the trial.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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