



2026:CGHC:10519

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRCA No. 271 of 2026**

Lavkumar Sidar S/o Shri Gangaram Aged About 24 Years R/o Village -
Bhulka (Saraypali), Thana - Basna, Tahsil - Basna, Distt. - Mahasamund
Chhattisgarh **... Applicant**

versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Basna, Distt. - Mahasamund Chhattisgarh. **... Respondent**

For Applicant : Mr. Sunil Sahu, Advocate.

For Non-Applicant/State : Ms. Sameeksha Gupta, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****28.02.2026**

1. This first anticipatory bail application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No.59/2026 registered at Police Station – Basna District – Mahasamund (C.G.) for the offences punishable under Section 69 of the BNS.
2. The prosecution's story is that victim/complainant lodged a written complaint on 02.02.2026 the victim aged about 22 Years lodged the



report against the applicant at P.S.-Sarangarh, Distt.-Sarangarh-Bilaigarh mentioning the date of incident from 01.02.2025 to 03.11.2025 with the averment that she was first met with the applicant when she had gone to her aunt's (Bua) house with her Grandmother on 03.02.2025 where the applicant had told the victim that he liked her and he will marry her, whereafter they started talking to each other. Further averment is that, in the month of March the applicant made physical relations with the Victim on the pretext of marriage and thereafter on many occasions he made physical relations on the pretext of marriage but now he is not ready to marry her and he has stopped talking to her since last 12-15 days so on the basis of the said report the FIR was registered against the applicant in Zero at Police station Sarangarh and the same is sent to the police station Basna where the offence under section 69 of BNS.

- 3.** Learned counsel for the applicant submits that the applicant has not committed any offence as alleged and that both the applicant and the prosecutrix are of matching age and were in a consensual love relationship. It is contended that the prosecutrix voluntarily accompanied the applicant to various places, including Chanderpur, and stayed with him in a hotel, and during the period from February 2025 to January 2026, she neither made any complaint to anyone nor disclosed the alleged incident to her parents, and no plausible explanation for the delay in lodging the report has been furnished. It is further submitted that the FIR has been lodged falsely and maliciously only after the applicant's marriage was fixed with another girl, with an intention to take revenge. Learned counsel argues that even if the version of the prosecutrix as stated in the FIR and her statement is



taken at face value, the offence of rape is not made out, as the relationship was consensual, which is also evident from her statement that she developed intimacy with the applicant while visiting her aunt's house and continued to remain in contact with him, and that she had free consent in maintaining the relationship. It is further submitted that the medical evidence does not support the allegation of forcible intercourse, as the MLC does not corroborate the ingredients of force. In view of the above, it is contended that no *prima facie* case is made out against the applicant and he is entitled to be enlarged on anticipatory bail. The applicant undertakes to appear before the Investigating Officer as and when directed and to cooperate fully with the investigation.

4. On the other hand, learned State Counsel appearing for the non-applicant/State opposes the submissions made on behalf of the applicant and submits that the applicant, on the pretext of marriage, established physical relations with the victim; therefore, he is not entitled to be granted anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of the allegations levelled against the applicant, and the material available on record, including the statement of the prosecutrix recorded under Section 183 of the B.N.S., it appears that the victim, being a major, was acquainted with the applicant and that both were in a consensual relationship during which physical relations were established. Thereafter, as the relationship could not materialize into marriage, the



present FIR came to be lodged by the victim on the allegation that the applicant refused to marry her. Therefore, without expressing any opinion on the merits of the case, I am inclined to grant anticipatory bail to the applicant.

7. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicant – **Lavkumar Sidar**, on executing a personal bond and one surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-

(a) 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.

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

(c) he 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 his adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

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

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE