

(2025) 08 CHH CK 0310
In the Chhattisgarh High Court
Case No : CRA No. 1336 of 2025

Santosh Kumar Vaishya

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 14-08-2025

Acts Referred:

Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 14(A)(2)
Bharatiya Nyaya Sanhita, 2023 — Section 69, 351
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 183

Citation : (2025) 08 CHH CK 0310

Hon'ble Judges : Ravindra Kumar Agrawal, J

Bench : Single Bench

Advocate : Siddharth Pandey, Suyashdhar Badgaiya

Final Decision : Allowed

Judgement

Ravindra Kumar Agrawal, J

1. Heard on the Criminal Appeal filed under Section 14 (A)(2) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989, against the rejection of Bail application No. 120/2025 vide order dated 15.04.2025 by the learned Sessions Judge, District- Balrampur, Place-Ramanujganj in Crime No. 38/2025.
2. Pursuant to the order dated 14.07.2025, the victim appeared before this Court from DLSA, Balrampur and raised objection in granting bail to the appellant. Her objection is taken on record.
3. Heard, the case of the prosecution is that on 08.04.2025, the victim lodged a report that she was being sexually exploited by the appellant since 2017 and on the pretext of marriage, he made physical relation with her repeatedly upto March, 2025 and ultimately, refused to marry with her and gave her threatening with dire consequences. On the report made by victim, the FIR under Section 69 & 351 of Bhartiya Nyay Sanhita (in short, BNS, 2023) (Section 276 (2)(n) of IPC)

has been registered in which the appellant has been arrested on 09.04.2025 and charge-sheet has been filed.

4. Learned counsel for the appellant would submit that the victim is a major girl having 27 years of age. She alleged that their relation continued since, 2017 but till date she has not raised any objection. It would not be possible for anyone to exploit her for such a long time. She was engaged in consensual physical relation with the appellant and it is only when some quarrel took place between them, she has lodged the report. The appellant is in jail since 09/04/2025 and final adjudication of the case will take its own time, therefore, the appellant may be enlarged on bail.

5. On the other hand, learned counsel for the State opposes and has submitted that the victim was actually exploited by the appellant since, 2017 and ultimately, the appellant has refused to marry with her and therefore, the appellant is not entitled for bail.

6. I have heard learned counsel for the parties and perused the material annexed with the appeal as well as case diary.

7. Considering the submission made by learned counsel for the parties, considering the nature of allegation and the material collected during the investigation, further considering the length of their relationship and statement of the victim record under Section 183 of B.N.S.S., I am inclined to release the appellant on bail.

8. Accordingly, the appeal is allowed. The impugned order dated 15.04.2025 is set aside.

9. It is directed that the appellant Santosh Kumar Vaishya 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.