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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6503 of 2026

Durgesh Kumar Sahish S/o Vishnu Sahish Aged About 19 Years R/o Village Rahod, Tehsil Pamgarh, District Janjgir-Champa (C.G.)

--- **Applicant**

versus

State of Chhattisgarh through Station House Officer, P.S.- Shivrinarayan, Distt. Janjgir-Champa (C.G.)

--- **Respondent**

MCRC No. 6511 of 2026

Uttam Pratap Khunte S/o Mahendra Prasad Khunte Aged About 19 Years R/o Bilari Ward No.19, Talabpara, P.S. - Shivrinarayan, Distt. Janjgir-Champa (C.G.)

--- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, P.S. - Shivrinarayan, Distt. Janjgir-Champa (C.G.)

--- **Respondent**

For the applicants : Mr. Aishwarya Kumar Dubey, Advocate

For the State : Mr. Rohitashwa Singh, Dy. Govt. Advocate

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

29.07.2026

1. MCRC No. 6503/2026 filed by Durgesh Kumar Sahish is second bail application. MCRC No. 6511/2026 filed by Uttam Pratap Khunte is third bail application. Both these applications have been filed under

Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants in Crime No. 397/2025 registered at Police Station Shivrinarayan, District Janjgir Champa (CG) for the offences under Sections 70(2), 351(3), 61(2), 126(2) of BNS Act and Section 66(E) & 67 of IT Act and Section 4 of the POCSO Act.

2. The first bail application of both these applicants was rejected by order dated 02.02.2026 passed in MCRC No.10460 of 2025.

3. The second bail application (MCRC No. 4594/2026) of Uttam Pratap was dismissed as withdrawn on 22.06.2026. On the said date, victim and her mother were present in person before this Court and got recorded **no objection** to grant bail to applicant Uttam. However, despite service of notice to the victim in MCRC No.6503/2026, nobody is present today either through VC or in person to raise objection/non-objection for grant of bail to the applicant Durgesh Kumar.

4. As per the prosecution case, on 09.09.2025, at about 1.00 – 1.30 pm, the victim along with her two male friends was going to Shivrinarayan on a motorcycle. At that time, the applicants along with other accused came on two motorcycles and stopped the victim and her colleagues, threatened them and took them to a nearby forest of Rahod. Thereafter, the applicants and other accused assaulted victim's two friends and raped the victim one by one, making a video of it. On 10.09.2025, in the morning, the victim disclosed the incident to her parents and came to Shivrinarayan Police Station to lodge a report about the said incident. On the basis of the said complaint, an offence was registered against the applicants and other co-accused for the aforesaid offences and during investigation, the applicants were arrested.

5. Learned counsel for the applicants submits that in the court statements, the victim and her father have turned hostile to the prosecution case, therefore, it was a case of false implication. He next submits that the other two similarly placed accused Som Nirmalkar and Khagendra Gond have been enlarged on bail by this Court and the case of the present applicants is also on similar footing. He further submits that till date, out of 47 witnesses only 4 have been examined; the appellants are in jail since 11.09.2025 and there is no likelihood of immediate

conclusion of the case, therefore, looking to all these aspects, these applicants deserve to be enlarged on bail.

6. Per contra, learned State Counsel opposes the bail application and submits that at the time of incident, the victim was minor, therefore, the bail should be rejected.

7. Having considered the submissions made by learned counsel for the parties and the court statements of the victim and her father as also looking to the long custody period of the applicants and the fact that the trial is yet to take time and further similarly placed co-accused Som Nirmalkar and Khagendra have been enlarged on bail by this Court, without observing anything on the merits of the case, I am inclined to released the applicant on regular bail.

8. Accordingly, this bail applications are allowed and the present applicants Durgesh Kumar Sahish and Uttam Pratap Khunte are directed to be released on bail on his furnishing a bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed in that behalf.

Cc as per rules.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Rao