CGHC010200452026 2026:CGHC:44034

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5415 of 2026

Durgesh Kumar Patel Alias Monu S/o Raitu Patel Aged About 21 Years R/o Village Nirtu, Thana Seepat, District Bilaspur Chhattisgarh **... Applicant**

versus

State Of Chhattisgarh Through Police Thana Seepat, District Bilaspur Chhattisgarh **... Non-Applicant**

For Applicant	:	Shri Krishna Kumar Khatri, Advocate
For Non-Applicant	:	Ms. Monika Thakur, Panel Lawyer.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

12/10/2026

1. This is the **First bail application** filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.163/2026 (Sessions Criminal Case No.62/2026) registered at Police Station Seepat, District Bilaspur (C.G.), for the offence punishable under Sections 331(4), 74 of Bhartiya Nyay Sanhita, 2023 (for short, the BNS, 2023), Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for brevity, the POCSO Act, 2012).

2. As per the case of the prosecution, on 16.03.2026, when the prosecutrix/victim was sleeping in her house, at 11:45 pm, the applicant

entered her house and committed wrong acts with the victim and outraging her modesty and when the victim started shouting, he pressed her mouth with his hand and pushed her on the ground. A report was lodged to this effect and on such complaint/report, the police registered the offence as stated above.

3. Learned counsel for the applicant would submit that charge-sheet has already been filed; applicant is in jail since 18.03.2026 and till date even single witness has not been examines. It is also argued that the applicant has no criminal antecedents and conclusion of the trial is likely to take some considerable time. Therefore, he would pray that the bail application may be allowed and the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State would oppose the submissions advanced by the learned counsel for the applicant. She would submit that there is allegation of sexual assault against the present applicant and on the date of incident, age of the victim was 13 years and 8 months, and therefore, the bail application deserves to be rejected.

5. Pursuant to notice issued, the victim and her father appeared through the virtual mode and have raised serious objection in grant of bail to the applicant.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Having considered the fact that the present applicant attempted to outrage modesty of the victim, aged about of 13 years and 8 months; applicant is a relative of the victim; charge-sheet has already been filed the applicant is in jail since 18.03.2026; further the fact that till date not

even single witness has been examined; he has no criminal antecedents and that, the conclusion of the trial is likely to take some considerable time. without making any observation on merits of the matter, I am inclined to grant bail to the applicant. Accordingly, the instant bail application is **allowed.**

8. It is directed that the applicant shall be released on bail on his furnishing a **personal bond** in sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Court concerned with the 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 said Court till disposal of the trial.

9. The observation made herein above is for the purpose of deciding this bail application only and the trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Anjani