Digitally signed by AJINKYA PANSARE
Date: 2026.10.06 14:32:49 +0530

CGHC010325822026 2026:CGHC:42930

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7799 of 2026

- Durgeshwar Prasad Choure @ Mochi Gabbar S/o Milap Singh Choure Aged About 30 Years R/o Village Demar Ravidas Para, Ward No. 15, P.S. Arjuni, Distt. Dhamtari, Chhattisgarh.

...Applicant

versus

- State Of Chhattisgarh Through The Station House Officer, Police Of Police Arjuni, Distt. Dhamtari, Chhattisgarh.

... Non-applicant

For Applicant	:	Mr. Anil Kumar Gulati, Advocate
For Non-applicant	:	Mr. Akash Agrawal, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

05.10.2026

1) The applicant has preferred this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.83/2026, registered at Police Station Arjuni, District : Dhamtari (C.G.) for the offence punishable under Section 74 of Bhartiya Nyaya Sanhita, 2023.

2) The prosecution story in brief, is that the victim’s husband contacted the applicant to bring a locket for his daughter. On 12.07.2026, the applicant visited the victim's house and took her and her daughter into an adjacent room for worship. It is alleged that the applicant attempted to outrage the modesty of the victim and fled the scene when she raised an alarm. Thereafter, the victim lodged an FIR, and the applicant was arrested.

3) Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case on the basis of a concocted story narrated by the victim, and such a version is not trustworthy. He further submits that while the applicant and the victim were performing a ritual, the applicant’s hand inadvertently brushed against the victim, leading to an altercation wherein the victim’s husband assaulted the applicant, which is duly substantiated by the applicant's Medico-Legal Certificate. He also submits that although the charge-sheet has been filed before the competent court and the applicant has no criminal antecedents, he has been languishing in jail since 13.07.2026. The trial is progressing at a slow pace, as none of the ten cited witnesses have been examined till date, hence the applicant prays that the bail application be allowed.

4) On the other hand, learned counsel for the State opposes the bail application and submits that the FIR, as well as the statement of the victim recorded under Section 183 of the BNSS, clearly

reflects that the applicant purposefully tried to outrage the modesty of the victim and that such an act cannot be termed 'inadvertent'. He further submits that looking at the gravity of the offence, this bail application deserves to be rejected.

5) I have heard learned counsel for the parties and perused the case diary.

6) Admittedly, the FIR, as well as the statement of the victim recorded under Section 183 of the BNSS clearly reflects that applicant purposefully tried to outrage the modesty of the victim and passed inappropriate comments whereas Mr. Gulati has pleaded that the applicant’s hand inadvertently brushed against the victim, leading to an altercation wherein the victim’s husband assaulted the applicant and the victim lodged a lodged a false case to save her husband.

7) It is settled principle of law that the Court’s role at the bail stage is confined to verifying the existence of prima facie case. In the present case, FIR was lodged the victim making specific allegations to the effect that present applicant tried to outrage her modesty but the veracity of the allegations made in the FIR cannot be examined in light of defense taken by Mr. Gulati.

8) Considering the fact and circumstances of the case, nature and gravity of offence levelled against the applicant, this Court is not inclined to extend the benefit of bail to the applicant at this stage.

9) Accordingly, the instant bail application is **rejected**. However, the applicant would be at liberty to revive the prayer at an appropriate stage.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya