CGHC010375752026 2026:CGHC:45452

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8986 of 2026

Durgesh Kurre S/o Shri Mangal Das Kurre, Aged About 20 Years R/o Village Akhrar, Police Out Post Dindouri, Thana-Chilfi, Distt. - Mungeli (C.G.)

... Applicant(s)

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

versus

State Of Chhattisgarh Through Station House Officer, Police Out Post - Dindouri, Thana -Chilfi, Distt.- Mungeli (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Sahil Sahu, Advocate.
For Non-Applicant/State	:	Mr. Vivek Sharma, Panel Lawyer.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

28/10/2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No. 41/2026, registered at Police Outpost Dindouri, Police Station Chilfi, District Mungeli (C.G.), for the offences punishable under Sections 137(2), 87 and 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4 and 6 of the POCSO Act.

2. The prosecution story, in brief, is that on 19.04.2026, the father of

the victim lodged a missing report alleging that his daughter had been missing from their residence since 17.04.2026. During investigation, the victim, stated to be aged about 16 years, 8 months and 10 days, was recovered from the company of the applicant at Hyderabad. It is alleged that the applicant had taken the victim away from her lawful guardianship and that they had resided together at Bengaluru and Hyderabad for about two months. Thereafter, the victim was brought back and her statements were recorded, pursuant to which the offences relating to kidnapping and sexual assault were added. Based upon the said allegations, the aforesaid offences were registered against the applicant.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would submit that the victim had voluntarily left her parental home and accompanied the applicant to Bengaluru and Hyderabad, where they resided together and that she had not made any allegation of forcible sexual assault against him. He would further submit that no reliable documentary evidence regarding the victim's age has been collected and that, during trial, the victim disclosed her date of birth as 08.08.2007, according to which she was major at the time of the alleged incident. It is further submitted that the victim's parents have also not supported the prosecution version regarding her minority and that the medical examination does not reveal any injuries suggestive of forcible sexual assault. He would further submit that the victim has already been examined before the

learned trial Court and has not supported the prosecution case, whereupon she was declared hostile. She has also denied the suggestions put forth by the learned Public Prosecutor. The applicant is in jail since 05.07.2026 and charge-sheet has already been filed. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the applicant is facing serious allegations of kidnapping and sexual assault upon the victim, who, according to the prosecution, was below 18 years of age at the relevant time. It is further submitted that merely because the victim has turned hostile does not absolve the applicant of the allegations levelled against him. Therefore, considering the nature and gravity of the offences, the applicant is not entitled to be enlarged on bail.

5. Pursuant to the order dated 25.09.2026 passed by this Court, the victim, along with her father, appeared before this Court today through video conferencing and expressed their no objection to the grant of bail to the applicant.

6. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

7. Having considered the facts and circumstances of the case, nature and gravity of the offences alleged against the applicant, particularly the fact that the victim has already been examined before the learned trial Court and has not supported the prosecution case and has turned hostile, having also denied the suggestions put forth by the learned Public Prosecutor and further considering that the

victim, along with her father, appeared before this Court through video conferencing pursuant to the order dated 25.09.2026 and expressed their no objection to the grant of bail to the applicant, as also the fact that the applicant is in jail since 05.07.2026 and charge-sheet has already been filed, this Court, without further commenting upon the merits of the case, is inclined to grant bail to the applicant.

8. Accordingly, the bail application of the applicant is **allowed**. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on 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.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal