



2026:CGHC:8613

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 1484 of 2026**

**1** - Devi Prasad Dubey S/o Ghanshyam Dubey Aged About 36 Years R/o Village Nawagaon, Post Dagori, Police Station Bilha, District : Bilaspur, Chhattisgarh

**... Applicant**

**Versus**

**1** - State Of Chhattisgarh Through Police Station Bilha, District : Bilaspur, Chhattisgarh

**... Non-applicant**

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For Applicant : Mr. Shashank Upadhyay, Advocate

For Non-applicant : Ms. Anuja Sharma, Dy. Government Advocate

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**SB: Hon'ble Shri Parth Prateem Sahu, Judge**

**ORDER ON BOARD**

**17/02/2026**

1. Applicant has filed this fourth bail application for release of the applicant on bail under the provisions of Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 as he has been arrested in connection with Crime No. 59/2024 registered at Police Station – Bilha, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 376 and 450 of the Indian Penal Code, 1860. Though, no specific ground has been taken in the application, however, during the course or argument, learned counsel for the applicant submits that there is delay in trial as prosecution witnesses are not turning up and further submitted that the applicant is in custody since 04.03.2024.
2. The submission of counsel for the applicant is opposed by learned counsel for the Respondents/State on the ground that the third bail

application was dismissed on merits considering the statement of the mother of victim.

3. I have heard learned counsel for the respective parties.
4. The third bail application was dismissed on merits considering the submission of counsel for the Respondent/State based on the deposition of the victim that she stood with her statement recorded under Section 161 of the Cr.P.C. before the Court. The third bail application was dismissed on 22.10.2024. Perusal of the evidence of mother and sister of the victim would show that the victim is a mentally retarded girl. Applicant has enclosed the deposition of the Witness No. 9 which was on 29.07.2025.
5. Pursuant to the direction issued by this Court, learned counsel for Respondents/State made submission that warrant has been issued for appearance of Dr. Nitesh Sahu as witness and summons have been issued to witness Roshni Chaturvedani on 10.10.2025. Further, bailable warrant was also issued to both the witness on 06.12.2025. She submits that both the witnesses will appear before the learned Trial Court on the next date fixed.
6. Considering the aforementioned facts of the case and further considering that there is no change of circumstances, I am inclined to enlarge the applicant on bail. Accordingly, the bail application is dismissed at this stage. However, it is further directed to learned Trial Court to take all measures for causing presence of the prosecution witnesses for early disposal of the trial.

Certified copy as per rules.

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| SHUBHAM<br>DEY | Digitally<br>signed by<br>SHUBHAM<br>DEY<br>Date:<br>2026.02.24<br>15:05:23<br>+0530 |
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Dey

**Sd/-**  
**(Parth Prateem Sahu)**  
**Judge**