

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 875 of 2020

- Ritesh Gorakh @ Ritik @ Tunna, S/o Late Shri Vinod Gorakh, Aged About 38 Years R/o Dayalband, P.S. City Kotwali, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Sho, P.S. City Kotwali, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

 For Applicant : Shri Achyut Tiwari, Advocate
 For Respondent/State : Shri Gagan Tiwari, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

27.5.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.464/2019, registered at Police Station Thana City Kotwali, District Bilaspur(CG) for the offence punishable under Sections 354 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act).
3. As per the case of prosecution, the applicant was molesting the prosecutrix who is aged about 12 years since 15 days while she was going to School.
4. Learned counsel for the applicant submits the applicant is innocent and he has not committed any offence. He submits

that the applicant and the prosecutrix are living at the same place and there is previous enmity between their families, therefore, the applicant has been falsely implicated in the case. He further submits that the applicant is in jail since 6.12.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant has committed an offence under Section 12 of the POCSO Act.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and further considering the detention period of the applicant; yet charge sheet has not been filed and trial may take some for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in

compliance of the order of the Supreme Court of India dated 23.3.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (C) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

11. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE