

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 949 of 2020**

- Harel S/o Bodhan Sahu, aged about 30 years, occupation labour, R/o Udiyakala, Police Station Sahaspur Lohara, District Kabirdham (C.G.).

---- Applicant**Versus**

1. State Of Chhattisgarh Through- The Station House Officer, Police Station Sahaspur Lohara, District Kabirdham (C.G.)
2. Jamuna D/o Durdeshi Sahu, aged about 15 years, R/o village Basinjhor, Police Station Sahaspur Lohara, District kabirdham (C.G.).

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, Dy. A.G.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/05/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.189/2019, registered at Police Station – Sahaspur Lohara, District Kabirdham (C.G.) for the offence punishable under Sections 354 IPC and Sections 7 & 8 of Protection of Children from Sexual Offences Act, 2012.
2. The allegation against the present applicant is that when the prosecutrix was all alone in her sister's house, the applicant came there and tried to outrage her modesty. When the prosecutrix raised alarm, the present applicant also gagged her mouth. Based on this, offence has been registered. The present applicant has been taken into custody on 09.12.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the applicant is in custody since 09.12.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, and further considering the detention period of the applicant, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.
9. 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 23.03.2020 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.
10. Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge