

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1415 of 2020**

Ganesh Das Mahant S/o Itwari Das Mahant, aged about 26 years, residence of Karumauha, P.S. Kharsia, District-Raigarh (CG)

---Applicant**Versus**

State of Chhattisgarh Through Police Station Kharsia, District Raigarh (CG)

---Non-Applicant

For Applicant	:	Mr.Vineet Kumar Pandey, Advocate
For Non-applicant	:	Mr.D.P.Singh, Dy.A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

13/05/2020

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for release him on regular bail during trial in connection with Crime No.489/2019, registered at Police Station-Kharsia, Distt.Raigarh (CG), for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on the pretext of marriage the applicant committed sexual intercourse with minor prosecutrix and thereby committed the aforesaid offences.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that in Court's statement the prosecutrix and her mother have not supported the case of the prosecution, the applicant has been arrested on 2.1.2020 and charge-sheet has already been filed.
4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts & circumstances of the case, nature & gravity of offence, pre-trial detention of the applicant and material available in the case diary, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

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 23.3.2020 in the matter of In **Re : Contagion of COVID 19 Virus in Prisons** (Suo Motu 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 bail bonds earlier, then he will be required to furnish bail bonds.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-