

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5182 of 2020**

Govind Dhivar S/o Shri Jaguram Dhivar Aged About 30 Years R/o Daldal, Shivni, Police Station Pandri, Mowa District Raipur, Chhattisgarh

**---- Applicant**

**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station Pandri, District Raipur, Chhattisgarh

**---- Respondent**

---

For Applicant : Mr. Punit Ruparel, Advocate.  
For Respondent/State : Mr. Alok Nigam, G.A.

---

**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**15/09/2020**

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 42/2019, registered at Police Station – Pandri, District- Raipur (C.G.) for the offence punishable under Section 376 of IPC and Section 6 of POCSO Act, 2012.
2. First bail of the applicant was dismissed as withdrawn vide order dated 11.09.2019 passed in MCRC No. 4540/2019.
3. In this case, at the relevant time the age of the prosecutrix was about 8 years. As per prosecution story, it is alleged that on 04.02.2019 when the prosecutrix was playing outside from her house at that time the applicant told her to purchase *Rajshree Pan Masala* for him and when the prosecutrix come up with *Rajshree Pan Masala*, allegedly, the applicant hold her hand, drag her into his house and committed forcible sexual intercourse

with her. Thereafter, the matter was reported and offence has been registered against the applicant. The applicant is in custody since 05.02.2019.

4. Learned Counsel appearing on behalf of the applicant submits that the applicant is in jail since 05.02.2019. Prosecution has cited as many as 16 witnesses out of which till date 4 have been examined and looking to the situation of 'Covid-19 Pandemic' trial will take further time, therefore, this Court may consider the detention period of the applicant and may be released him on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and after gone through the medical reports and statement of the prosecutrix. Without further commenting on other merits of the case, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application is rejected.
9. However, Trial Court is directed to decide the matter as early as possible preferably within one year from today.

**Sd/-**  
**(Arvind Singh Chandel)**  
**Judge**