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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3691 of 2026

Sagar Dhiwar S/o. Suresh Dhiwar Aged About 19 Years R/o. Village Chhilpawan, Police Station- Patewa, District- Mahasamund (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through- The Station House Officer, Police Station- Patewa, District- Mahasamund (C.G.)

... Non-Applicant(s)

For Applicant	:	Mr. Pawan Kesharwani, Advocate.
For Non-Applicant/State	:	Mr. Akash Agrawal, Panel Lawyer

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

06/10/2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 20/2026, registered at Police Station : Patewa, District- Mahasamund (C.G.) for the offence punishable under Sections 74, 75(2) of BNS and Section 8 of POCSO Act.

2. The prosecution case, in brief, is that on 02.02.2026 at about 03:55 P.M., the minor victim, aged about 13 years and studying in Class

VII, had gone to Middle School Chilpavan. While returning from the bathroom along with her friend, the applicant allegedly approached her on the pretext of drinking water, caught hold of her from behind and touched her chest. It is further alleged that the incident was witnessed by the victim's friend. On the basis of the complaint lodged by the victim's father, Crime No.20/2026 was registered at the concerned Police Station for the offences punishable under Sections 74 and 75(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the POCSO Act. After completion of investigation, charge-sheet has been filed before the competent Court.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case due to a dispute regarding wages, as the applicant had earlier worked as a driver under the father of the victim. He would further submit that on the date of the alleged incident, an annual function was being held in the school and the applicant had gone there to play DJ, and when he went towards the washroom, he merely saw the victim and returned without committing any offence. It is submitted that due to a misunderstanding, the victim made the allegation against the applicant. He would further submit that the applicant has no criminal antecedents, is in custody since 03.02.2026, the investigation is complete, charge-sheet has been filed and relevant witnesses have already been examined. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail to the applicant and submit that on the date of the

incident, the victim was aged about 13 years and the allegation against the applicant is that he outraged the modesty of the victim. It is further submitted that the victim has already been examined before the learned trial Court and has supported the prosecution case. Therefore, looking to the nature and gravity of the allegations and the statement of the victim, the applicant does not deserve to be enlarged on bail.

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

6. Having considered the facts and circumstances of the case, nature and gravity of the allegations levelled against the applicant, the fact that the applicant has remained in custody since 03.02.2026 and further considering that the victim, who has already been examined before the learned trial Court, has supported the prosecution case and has stated in her deposition that the applicant approached her on the pretext of drinking water, caught her from behind and touched her chest, this Court finds the allegations against the applicant to be serious in nature.

7. It is also pertinent to note that in its recent order dated 28.09.2026 passed in In Re: Recent Rape Incidents in Delhi NCR, Suo Motu Writ Petition (Criminal) No.6 of 2026, the Hon'ble Supreme Court has taken serious note of the vulnerability of women and children to sexual offences and has emphasised the imperative of ensuring their safety, dignity and protection from such offences.

8. Having regard to the seriousness of the allegations, the manner in which the alleged offence is stated to have been committed and

more particularly, the deposition of the victim supporting the prosecution case, this Court is of the considered view that it is not a fit case to enlarge the applicant on bail.

9. Accordingly, the bail application of applicant, involved in Crime No. 20/2026, registered at Police Station : Patewa, District-Mahasamund (C.G.) for the offence punishable under Sections 74, 75(2) of BNS and Section 8 of POCSO Act., is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal