CGHC010209622026 2026:CGHC:43302

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5402 of 2026

Taneshwar Ogre S/o Fattelal Ogre, Aged About 21 Years Occupation - Agricultural Labourer, R/o Village Sunasuniya, Police Station Bagbahara, Tahsil And District Mahasamund (C.G.). At Present Lodged In District Jail, Mahasamund (C.G.)

... Applicant

versus

State of Chhattisgarh Through Station House Officer, Police Station Bagbahara, District Mahasamund (C.G.)

... Non-applicant

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

For Applicant	: Mr. Ashish Gupta, Advocate.
For Non-applicant/State	: Ms. Priya Sharma, Panel Lawyer.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

06.10.2026

1. This is the First bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 80/2026 registered at Police Station : Bagbahara, District – Mahasamund (C.G.) for the offence punishable under Section 74 of the Bhartiya Nyaya Sanhita, 2023 and Sections 9 and 10 of the Protection of Children from Sexual Offences Act, 2012 (for Short POCSO Act).

2. The prosecution allegation is that, on 14.04.2026, at Manish Kirana

Store, situated in Village Sunasuniya, the applicant allegedly touched the back of the minor victim in an inappropriate manner. Based upon such, the aforesaid offences were registered against the applicant and the applicant was arrested on 15.04.2026 and has been in judicial custody since then.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would submit that the alleged incident took place at a grocery shop situated on the main road of the village, where several persons were present and the shop was equipped with a CCTV camera. The CCTV footage was produced before the learned trial Court by way of a pen drive, which does not clearly depict any act constituting the alleged offence. He would further submit that the applicant has no criminal antecedents, is in custody since 15.04.2026 and the conclusion of the trial is likely to take some time. Therefore, he prays for grant of regular bail to the applicant.

4. Learned State counsel would oppose the bail application and submit that the victim, in her statement recorded under Section 183 of the BNSS, has supported the prosecution case. She further submits that, considering the nature and gravity of the allegation, no case for grant of bail is made out.

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

6. Having considered the facts and submissions made on behalf of the parties, nature of allegation, material brought on record and the fact that the victim, in her cross-examination, has admitted that at the relevant time it had become dark and about 15-20 persons were standing inside the shop, which was a small shop with limited space and the persons

standing therein were closely packed. She has further admitted that persons were standing on both sides of her and that she could not see who had touched her. She has also stated that she did not disclose the alleged incident to the shopkeeper or any of the 10-15 persons present in the shop, nor did she raise any alarm. She has further admitted that she is unable to state the date on which the incident occurred. These aspects, coupled with the fact that the CCTV footage produced before the learned trial Court does not clearly depict the alleged act and that the learned Sessions Court itself noticed that the alleged incident was not visible in the CCTV footage, are relevant considerations at this stage.

7. Having regard to the aforesaid circumstances, the period of custody already undergone by the applicant and has no criminal antecedents and the likelihood of the trial taking some time to conclude, without expressing any opinion on the merits of the case, this Court is of the considered view that the applicant is entitled to be enlarged on regular bail.

8. Accordingly, the bail application of the applicant is **allowed**. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court;

(ii) he shall not act in any manner which will be

prejudicial to fair and expeditious trial, &

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal