

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2567 of 2020**

- Gowri Shankar Jha S/o Late Vidya Kant Jha, aged about 57 years, R/o Sanjeev Kirana Store, Danteshwari Ward, Jagdalpur, District Bastar, Chhattisgarh.

**---- Petitioner****Versus**

- State Of Chhattisgarh Through Station House Officer - Bodhghat, Jagdalpur, District Bastar, Chhattisgarh.

**---- Respondent**


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For Applicant	:	Shri Siddharth Rathod, Advocate
For Respondent	:	Shri Dinesh Tiwari, Dy. G.A.

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**Hon'ble Smt Justice Rajani Dubey****Order on Board****29/05/2020**

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.101/2020, registered at Police Station - Bodhghat, Jagdalpur, District Bastar (C.G.) for the offence punishable under Section 354 IPC and Section 8 of Protection of Children from Sexual Offences Act.
2. The prosecution story, in brief, is that on 14.03.2020, complainant made a report at police station Bodhghat alleging therein that whenever she used to visit the applicant's shop for purchasing articles, the applicant used to touch her body and hold her hands. On the date of incident also when she went to the applicant's shop, the applicant touched her body parts and while she was being taken to his house, she ran away. Based on this, offence has been registered. The applicant has been taken into custody on 14.03.2020.
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 about 57 year old and by no stretch of imagination it can be said that such offence has been committed by the applicant. He also submits that the applicant is ready to furnish adequate security and shall abide by all such terms and conditions which may be imposed upon him by the Court. He next submits that the applicant is in custody since 14.03.2020 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, nature of offence and further considering the fact that the applicant is 57 year old, he is in custody since 14.03.2020 and the disposal of case may take some time, I am of the view that the applicant is entitled to an order of bail pending trial on stringent conditions in order to safeguard the interest of the prosecution.
7. Accordingly, the application is allowed. The applicant is ordered to 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, on the following conditions:-
  - (i) The applicant shall not directly or indirectly make any inducement, threat or promise to the complainant or any person acquainted with the facts of the case so as to dissuade him to disclose such facts to the court or to any other authority.
  - (ii) The applicant shall remain present before the court on the dates fixed for hearing of the case, for any reason due to unavoidable circumstances

for remaining absent he has to give intimation to the concerned Court and make a proper application that he may be permitted to be present through counsel.

8. 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.

Certified copy, as per rules.

Sd/-  
**(Rajani Dubey)**  
Judge

Pekde