

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.5335 of 2015**

Sumati Chouhan, Wife of Shri Virendra Pradhan, aged 42 years, presently working as Hostel Superintendent, R/o Village Pattakela, P.S. Bagicha, District Jashpur (CG)

---Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Bagicha, Dist.Jashpur (CG)

---Non-applicant

For Applicant	:	Mr. D.C. Verma, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/10/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.169/2015, registered at Police Station-Bagicha, District-Jashpur (CG), for the offence punishable under Sections 354, 354 (a) (1) & 354 (b) of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (for short 'POSCO Act').

2. Case of the prosecution, in brief, is that the applicant while working as Hostel Superintendent of Tribal Girls Hostel, Pattakela, District Bagicha failed to report the commission of an offence under section 19(1) of the POSCO Act and Sections 354, 354 (a) (1) & 354 (b) of the IPC read with Section 8 of the POSCO Act and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and she has falsely been implicated in crime in question. He would further submit that in fact, nephew of the applicant is

alleged to have committed the said offence and only allegation against the present applicant is that she failed to report the commission of an offence, which is punishable with imprisonment for one year and such offence is bailable and there is no charge of Section 354 or 354A (1) (i) or (ii) of the IPC.

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 and circumstances of the case, nature and gravity of the offence, considering the fact that she was Hostel Superintendent on the date of commission of offence, her role, her inaction, considering the severity of punishment prescribed for the said offence and she being a woman, 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 applicant shall be released on bail on her 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 her appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-