

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1627 OF 2016**

Shambhu Prajapati S/o Bhuneshwar Prajapati, aged about 45 years, occupation service, R/o Village Chamanpur, Police Station Chalgali, District Balrampur (Chhattisgarh)

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer-Chalgali, District Balrammpur.

---Non-applicant

For Applicant	:	Mr. P.K. Verma, Sr. Advocate with
	:	Mr. Sumit Verma, Advocate,
For-Non-applicant	:	Mr. Suvigya Awasthy, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****17/03/2016**

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. 61/2015, registered at Police Station Chalgali, Revenue District Balrampur (C.G.) Civil

District Sarguja (C.G.), for the offence punishable under Sections 354, 376 (2) F(Cha), 376 (2) I (Jha), 506 of the Indian Penal Code, 1860 (for short IPC), Sections 6 & 8 of the Protection of Children from Sexual Offences Act, 2012 (for short POCSO) & Sections 3 (2-5), 3(1-12) The Schedule Caste and the Schedule Tribe (Prevention of Atrocities) Act, 1989 (for short Atrocities) Act.

2. Case of the prosecution, in brief, is that, applicant being the Headmaster of the school outraged the modesty of two minor prosecutrix and also committed sexual intercourse with them.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case. He would further submit that there is no medical evidence and father of the prosecutrix has refused to do medical examination of victim. He would further submit that applicant is in jail since 25/11/2015, therefore, he may be released on bail.

4. Learned State counsel would oppose the prayer for grant of bail.

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; further taking into consideration the nature and gravity of offence; the manner in which applicant is said to have sexually assaulted the victim being Headmaster of the school and the evidence available in case diary statement of victim/complainant and the manner, in which, applicant is said to have assaulted the victim and her parents, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge