

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 74 of 2016

Bhagat Singh Kshatri, S/o. Late Bholi Singh Kshatri, aged about 52 years,
R/o. Block Colony, Masturi, Police Station and Tahsil Masturi, Civil and
Revenue District – Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - -
Masturi, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Y.C. Sharma, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.321/2015, registered at Police Station– Masturi, District – Bilaspur (C.G.) for the offence punishable under Section 354 (a) (1) of Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act (POCSO Act), 2012.
2. Case of the prosecution, in brief, is that a report was made by the victim that on 30.09.2015 she went to the school, the applicant/principal called her into the principal room and touched her breast and when she tried to left the room, he caught hold of her hand and dragged and tried to outrage the modesty of the victim.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case for the reason that mother of the

victim was not given contract for mid day meal, therefore, the false allegation/averments has been made. He would further submit that at the relevant time, the teachers and the students were present, which would show that the applicant has been falsely implicated in this case. He would further submit that the applicant is in jail since 29.12.2015 and the charge-sheet in this case has been filed, therefore, the counsel prays that the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case, the degree of offence and the allegation levelled against this applicant, further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 29.12.2015, 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 the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge