

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2597 OF 2016

Purshottam Bagh, S/o Jaikrishna Bagh, aged 34 years, R/o Village-Bansula, Police Station- Basna, District- Mahasamund (C.G.), presently Shalom English School, Baya, District- Balodabazar-Bhatapara (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station-Rajadevri, District Balodabazar-Bhatapara (C.G.)

... Non-applicant

For Applicant	:	Mr. Malay Shrivastava, Advocate.
For Non-applicant/State	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to Applicant who has been arrested on 10.02.2016 in connection with Crime No. 10/2016 registered at Police Station Rajadevri, District Balodabazar-Bhatapara, for the offences punishable under Sections 354(B), 376 of IPC and Sections 4, 8 and 17 of the Protection of Children from Sexual Offences Act, 2002.

2. Counsel for the Applicant submits that it is a case where the Applicant has been falsely implicated at the behest of some anti-social elements of the locality who wanted the school in which the present Applicant was teaching to be closed down. Even otherwise there is no evidence against the Applicant except the statement of the father of the victim. He further submits that it is also a case where immediately on the lodging of the report no medical examination was conducted of the victim and that the medical examination of the victim was conducted after a period of about 1½ months. Counsel for the Applicant also makes an

allegation that initially the case under Section 376 of IPC was not registered against the Applicant but was for the other offences and it is only after the medical examination conducted on 26.3.2016 that the offence punishable under Section 376 of IPC has also been lodged, which is proved positive, which is practically impossible for the reason that the medical examination was conducted after a period of 1½ months.

3. Counsel for the State however opposes the bail application on the ground that the Applicant is a teacher in the school where the victim was studying and that the date of incident is 9.2.2016 and the matter was reported by the father of the victim in the evening of 9.2.2016 and on the very next date i.e., 10.2.2016 the FIR was lodged and the Applicant was arrested.

4. Considering the total facts and circumstances of the case particularly the nature of allegation levelled against the Applicant, this Court is of the opinion that it is not a fit case where the Applicant can be released on bail.

5. Accordingly, the application for grant of bail is rejected.

Sd/-
(P. Sam Koshy)
V. Judge