

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 5738 of 2017**

Yagya Kumar Dixena S/o Keval Prasad Dixena, aged about 54 years, R/o Main Road, Katghora, Police Station Katghora, District Korba, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Katghora, District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Shri S. R. J. Jaiswal, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24/11/2017**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who has been arrested in connection with Crime No. 242/2017 registered at Police Station Katghora, District Korba (CG) for the offence punishable under Sections 354-A, 34 of IPC and Section 10 of Protection of Children from Sexual Offences Act and Section 3 (1)(b), 3 (2) (v-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The applicant is in jail since 13.08.2017.

2. The applicant in the instant case is a teacher of Govt. High School, Rawa, District Korba. The allegation against the applicant is that he is said to have tried to outrage the modesty of the victim who is a 9th class student of the same school.

3. Counsel for the applicant submits that the Block Education Officer has conducted an enquiry in this regard and found the complaint to be false. Meanwhile, the applicant has also been transferred from the said

school and posted at Gursinya, District Korba. He submits that the applicant has been falsely implicated in the case on account of some enmity between the applicant and the family members of the victim. He further submits that a perusal of the case diary would show that there is no student of the class in which the victim was studying with which the allegation levelled could be proved. It is also a case where there is no complaint made by the victim before any authority prior to her lodging the complaint in the present case in spite of the fact that the victim says that the applicant has been committing the offence for more than a couple of years. Further a similar complaint has also been lodged by the sister of the complainant and a separate offence has been registered on that complaint. This further falsifies the case. Thus, prayed for grant of bail to the applicant.

4. State counsel, however, opposing the bail application submits that the allegation against the applicant is serious in nature and that the applicant being a teacher of the school should not be indulged in such an offence.

5. Having considered the arguments put forth on either side and on perusal of the record what reflects is that the Block Education Officer on an enquiry has found the complaint to be false. There is no material of any complaint earlier lodged against the applicant. The applicant has already been transferred to a different school on 22.07.2017. The applicant has been implicated in two cases where the two victims are the real sisters who are studying in the same class. All these factual matrix prima facie gives rise to a great element of doubt on the prosecution story.

6. Considering the aforesaid facts and circumstances of the case and also the period of custody already undergone by the applicant, this Court is of the opinion that it is a fit case for grant of bail to the applicant.

7. Accordingly, the application for grant of bail is allowed. 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 in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE