

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2024 of 2017**

- Ramniwas Vaishnav S/o Sukhlal Vaishnav, Aged About 40 Years
R/o Village Palari, Police Station Palari, District Baloda Bazar
Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Palari, Bhatapara,
Chhattisgarh.

---- Respondent

For Applicant	: Shri Manoj Paranjpe and Shri Vikram Dixit, Advocates
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.7.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.78/2017 registered in Police Station Palari, Bhatapara (CG) for the offence punishable under Section 354 of the Indian Penal Code and under Sections 17 & 18 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

3. Learned counsel for the applicant submits that the applicant has been arrested on 05.3.2017, after investigation, concerned police has filed charge sheet which is pending before Additional Sessions Judge (FTC)/Special Judge under the POCSO Act, Baloda Bazar. Learned counsel for the applicant submits that the applicant

is in jail for four months and sixteen days, after the incident, he was removed from the post of Principal of the said school and another Principal was temporarily posted there by the Educational Society, who runs the school, hence the applicant may be granted on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant.

5. Perused the entire material.

6. A perusal of the evidence surfaced, on 04.3.2017, when the prosecutrix, aged about 16 years, was in the school, the applicant, who is the Principal of the said School, came to her, caught hold her and kissed on her lips. The prosecutrix after pushing him, managed to flee from the spot and attempted to make a call to her father. Thereafter again she went to the Office of the Principal and asked him what he would do if in her place his daughter was on the spot. Thereafter she lodged the FIR. A perusal of the document filed on behalf of the applicant, it merely appears that the applicant was removed from the post of Principal but it was nowhere mentioned in that whether he is working in the same school as teacher or not.

7. On consideration of the entire facts, the act committed by the applicant to the prosecutrix in the school and other facts, I am not inclined to grant bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE