

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3541 of 2017

- Avinash Tiwari S/o Late Moolshankar Tiwari Aged About 43 Years
R/o Ambedkar Chowk, Balodabazar Police Station City Kotwali,
Balodabazar District- Balodabazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police
Station- Balodabazar District- Balodabazar- Bhatapara,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Vimlesh Bajpai Advocate

For Respondent/State : Mr. G. Mukopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-6-2017

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 on 15-3-2017 in connection with Crime No. 87 of 2017 registered at Police Station City Kotwali, Balodabazar, District Balodabazar Bhatapara (CG) for the offence punishable under Section 354 of IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 15-3-2017 a report was made that the applicant who is a teacher in the class used to comments and tried to catch hold of the minor girl and also tried to outrage her modesty and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that charge-sheet has been filed in this case, the applicant

is in jail since 15-3-2017 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statements of the prosecutrix and her father and mother.
7. Taking into consideration the facts and circumstances of the case, degree of allegations and further considering the fact that the charge-sheet has been filed and the applicant is in jail since 15-3-2017, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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. He shall also appear before the trial Court as and when directed.
9. In view of the above, I.A.No.1 of 2017, application for urgent hearing and I.A.No. 2 of 2017, application for hearing during summer vacation stand disposed of.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju