

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7124 of 2017

Uttam Walke S/o N.R.Walke, Aged About 37 Years R/o Indira Vihar
Colony Tarbahar, P.S. Tarbahar, District Bilaspur, Chhattisgarh ---
Petitioner

Versus

State of Chhattisgarh through the Station House Officer, Police
Station Civil Line, District Bilaspur, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Miss Sharmila Singhai, Advocate.
For the Respondent	:	Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.12.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 659/2017 registered at Police Station Civil Line, Bilaspur, Distt. Bilaspur (C.G) for the offences punishable under Sections 354(1)(A) of IPC and under section 9(F) and 10 Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the mother of child who was studying in the school that her child aged about 2 ½ years was subjected to sexual overt acts by the applicant who was Principal in the school. Thereafter, the offence has been registered and the applicant was taken into custody.
3. Learned counsel for the applicant submits that the police has seized the entire CCTV footage of the school for the period of one month and nothing was found in such CCTV footage and the child of the applicant is studying there and the wife of

applicant is also teacher who made a complaint against the parents of the child over the dispute of payment of fee and for their misbehavior, therefore, the probability of offence is completely diluted. It is further submitted that the charge sheet has been filed, no further investigation is necessary and the applicant is in jail since 29.08.2017, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the statement of the child aged about 2 ½ years and the statement of the mother. Considering her statement and the age of prosecutrix, I am not inclined to allow this bail application. Accordingly, it is rejected.
6. However, it is made clear that this Court has not expressed any opinion on the merits of case.

Sd/-

**GOUTAM BHADURI
JUDGE**