

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3168 of 2017

Dr. Ramesh Prasad Dwivedi S/o Shri Vrindavan Prasad Dwivedi, Aged
About 55 Years R/o Plot No. 627/43, Awadhपुरी, Risali, Police Station Nevai
Tahsil & District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Nevai District- Durg,
Chhattisgarh.

---- Respondent

For Applicant	:	Shri Devershi Thakur, Advocate
For Respondent/State	:	Shri Satish Gupta, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/08/2017

Heard.

1. The applicant has been arrested in connection with Crime No.223 of 2016 registered in Police Station- Nevai, District- Durg (C.G.) for the alleged commission of offence under Sections 354, 354(A) of IPC & Section 11 & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. This is a second bail application by the applicant. The first bail application was earlier rejected by this Court vide order dated 28.11.2016.
3. Learned counsel for the applicant submits that presently the trial has remained stayed because of an interim order passed by this Court in Criminal Revision No.127 of 2017 filed by the petitioner. The next submission of learned counsel for the applicant is that by now, the applicant has remained in jail for more than one year. He submits that even if the entire case of the prosecution is accepted as it is, at the most offence under Section 11 of the POCSO Act read with 354 (A) of the IPC alone can be said

to be made out because there is no allegation of use of any assault or criminal force. For both offences, the maximum punishment provided under the law is 3 years.

4. On the other hand, learned State counsel opposes the prayer and submits that earlier application was rejected and trial is not being proceeded because the applicant, himself, has challenged the legality and validity of the order of framing of charges and the proceedings have remained stayed.
5. Having considered the submission of learned counsel for the parties, particularly, taking into consideration the submission that the applicant has remained in jail for more than 1 year and also the submission that there is no allegation of use of criminal force and assault by the applicant, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge