

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7470 of 2017

Prakash Sahu S/o Late Santram Sahu, Aged About 43 Years R/o Village
Devari-Khurd, Police Station Torwa, Tahsil Civil & Revenue District Bilaspur
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Acting Through Officer In Charge, Police Station
Masturi, Civil & Revenue, District Bilaspur Chhattisgarh

---- Respondent

Shri Deepak Kumar Singh, counsel for the applicant/s.
Shri Avinash Singh, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/12/2017

Heard.

The applicant has been arrested in connection with Crime No.08/2017 registered at Police Station – Masturi, Civil and Revenue District - Bilaspur (CG) for alleged commission of offences under Section 354 A, C of IPC and 8, 9 (F) of POCSO Act.

2. Case of the prosecution is that the applicant, who is the teacher, caught hold of the prosecutrix – the student and sexually assaulted her.

3. Learned counsel for the applicant submits that he has been falsely implicated and he has not committed any offence. It is submitted that the applicant is in jail since 16/01/2017 and even after 11 months, the prosecutrix has not been examined. Therefore, at this stage, he may be granted bail.

4. On the other hand, learned State counsel submits that looking to the nature of allegations against the applicant, prima facie case of commission of offence under Section 10 of the POCSO Act is made out for which, the minimum sentence is not less than five years.

5. Taking into consideration the submission of learned counsel for the parties and the statement of the prosecutrix under Section 164 CrPC, I am not inclined to grant bail to the applicant. The application, at this stage, is rejected.

6. The Trial Court is directed to take appropriate measures to ensure production of the prosecutrix for her examination and if necessary, to take coercive steps also. The Superintendent of Police, Bilaspur is directed to ensure production of the prosecutrix for examination on the next date of trial.

A copy of this order be sent to the Superintendent of Police, Bilaspur by the Registry of this Court for necessary compliance.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge