

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 1073 OF 2018

Gourav Kumar son of Janardan Singh, aged about 25 years, R/o Quarter No.11/F, Street No.7, Sector-4, Bhlai, Police Station, Bhlai Bhatti, District Durg (CG).

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Supela, District Durg (CG).

... Respondent

For Applicant	:	Shri BP Singh, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/03/2018

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 10.12.2017 in connection with Crime No. 1137 of 2017 registered at Police Station Supela, Distt. Durg, for the offence punishable under Sections 354 (Ka), 354(Gha) IPC and under Section 8 of POCSO Act, 2012.
2. The allegation against the applicant is that the applicant in the garb of providing tuition to the complainant, who is a minor, is said to have subjected her to outrage her modesty.
3. Learned Counsel for the applicant submits that the entire case of the prosecution is false and baseless and he has been falsely implicated in the case on account of some enmity which the complainant and her family had with the present applicant in respect of tuition fees. Further, the complainant on each time before the policy authorities have improvised upon her statement and each time the gravity has been kept on increasing. He referred to written complaint lodged on

09.12.2017 then to the 161 statement recorded on 10.12.2017 and statement under Section 164 recorded on 20.12.2017. Thus, prayed for applicant to be released on bail.

4. The State counsel opposing the appeal submits that firstly the complainant was a minor, secondly the allegations were very serious in nature and thirdly the applicant was a tutor for the complainant and in the capacity of tutor he has exploited the complainant and as such he does not deserve for bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that in the original written complaint there was no serious allegation of ravishing the complainant by the applicant and which has been found in the subsequent statement under Sections 161 and 164 CrPC, moreover there is a large improvisation in her statement and each time the gravity of offence getting increased, and also considering the period of custody undergone by the applicant and the nature of allegation levelled in the first original complaint on 09.12.2017 based on which FIR was registered, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

**Sd/-
(P.Sam Koshy)
Judge**