

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3367 of 2018

1. Ajesh Kumar Shukla S/o Shri Ramesh Chandra Shukla, Aged About 50 Years, Occupation- Government Teacher, R/o- Village Post Arjuni, Thana- Dongargaon, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Dongargaon, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

MCRC No. 3590 of 2018

1. Smt. Deepa Sao W/o Deep Chand Sao, Aged About 42 Years, R/o- Gandhi Nagar, Basantpur, Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Smt. Durga Hirwani W/o Lekhram Hirwani, Aged About 44 Years, R/o- Kunj Vihar Colony, Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Dongargaon, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant(s) – Dr. N.K. Shukla, Senior Advocate with Mr. A. Sen Gupta, Advocate (in MCRC No.3367/2018), Ms. Sunita Jain and Ms. Pritha Ghoshal, Advocates (in MCRC No.3590/2018).

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-05-2018

1. As both these applications arise of the same crime number, i.e. Crime No.108/2018 registered at Police Station Dongargaon, District Rajnandgaon, C.G., they are being decided by this common order.
2. Heard on the applications filed under Section 439 of the Cr.P.C. These are first bail applications before this Court filed by the applicants for grant of regular bail. Applicant Ajesh Kumar Shukla (applicant in MCRC No.3367/2018)

has been arrested on 23-04-2018 in connection with aforesaid crime number for the offence under Section 354, 354-A, 354-C of the IPC read with Section 8 and 10 of the Protection of Children from Sexual Offences Act (in short 'the POCSO Act') and applicants Smt. Deepa Sao and Smt. Durga Hirwani (applicants in MCRC No.3590/2018) have been arrested on 07-05-2018 in connection aforesaid crime number for the offence under Section 354, 354-A, 354-C, 354-M of the IPC read with Section 8 and 10 of the POCSO Act

3. It is submitted by learned counsel for the applicants in both the applications that the applicants have been falsely implicated in this case. Applicant Ajesh Kumar Shukla (applicant in MCRC No.3367/2018) is in jail since 23-04-2018 and applicants Smt. Deepa Sao and Smt. Durga Hirwani (applicants in MCRC No.3590/2018) are in jail since 07-05-2018. The applicants are school teachers, they have no connection with commission of alleged offence. Applicant Ajesh Kumar Shukla has been made target because another teacher Smt. Shitala Bandhe who is next to him in seniority is ambitious of getting the promotion. Applicants Smt. Deepa Sao and Smt. Durga Hirwani have no connection with the offence committed, they have been implicated only for the reason that they have taken the side of applicant Ajesh Kumar Shukla. Hence, it is prayed that these applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that there is sufficient material regarding involvement of the applicants in the offence committed and the offence is of grievous nature and it is committed against the minor students, hence the applicants are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. A complaint was received by BEO Dongargaon regarding objectionable conduct of applicant Ajesh Kumar Shukla (applicant in MCRC No.3367/2018).

A committee was constituted to enquire and it was found in the enquiry that applicant Ajesh Kumar Shukla was engaged in outraging the modesty of female minor students in various manners. On complaint forwarded by the BEO Dongargarh, the FIR has been registered against this applicant.

7. A prima facie case is made out against applicant Ajesh Kumar Shukla, though it may not be reason alone to keep him in detention continuously. Allegation against applicants Smt. Deepa Sao and Smt. Durga Hirwani (applicants in MCRC No.3590/2018) is this that they had tried to suppress the complaint against applicant Ajesh Kumar Shukla. As it appears that any further detention of the applicants for the purpose of investigation is not required, hence, no purpose would be served if they are kept in continuous detention till conclusion of the investigation and trial in this case. Hence, for these reasons, I am of this view that these applicants should be granted regular bail.

8. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge