

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6151 of 2018

- Shyam Say Kadiyam, S/o Chainuram Kadiyam, aged about 49 years, Caste Gond, R/o Village Ward No. 14, Ambagarh Chowki, P.S. and Tahsil- Ambagarh Chowki, District- Rajnandgaon, (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through- P.S. Kharsiya, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Punit Ruparel, Advocate.
For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/10/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 196/2018, registered at Police Station – Ambagarh Chowki, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 376, 376 (x), 354, 354 (f) of IPC and Section 6 & 10 of POCSO Act, 2012.
2. As per the prosecution story, on 28.07.2018, Complainant namely Sarita Koreti, mother of one of the prosecutrix, lodged a report wherein it was alleged that on 25.07.2018, the Applicant called her daughter, who is a minor girl, in a room and tried to outrage her modesty. It was further alleged that the Applicant had assaulted one other student of the school. He used to kiss and touch the breast of the student. On the basis of the said report, offence has been registered against the Applicant. During course of investigation, one of the prosecutrix, who is a minor girl, disclosed the fact that she was

raped by the Applicant. On the above allegations, Applicant has been taken into custody on 29.07.2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that Applicant is a government employee and is working as a Teacher. The accused/applicant is in custody since 29.07.2018. Therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the nature of the case and allegations against the Applicant, I am not inclined to release him on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge