

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7197 of 2018**

Parmeshwar Prasad Sharma S/o Late Swetamber Prasad Sharma
Aged About 60 Years R/o Rambhatha, P. S. Dabhara, District Janjgir
Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, P. S.
Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-
Champa, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ishwar Jaiswal, Advocate
For the State	:	Shri R.K. Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**27/10/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.400/2017 registered at Police Station Dabhara, District Janjgir-Champa (C.G.) for the offence punishable under Sections 354 (B) of IPC and Section 8 of POCSO Act and Section 3(2-5) (A) of the SC/ST (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that applicant is a Teacher in Primary School, Sukda. He was touching the private parts of the minor female students.
4. Learned counsel for the applicant submits that he is innocent and falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application. He further submits that there is no antecedents against the applicant.

6. Looking to the above mentioned facts and circumstances of the case, looking to the certified copies of the statements of witnesses who turned hostile, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
7. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs. 25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the trial Court concerned with the condition that he will not involve himself in any of the crime in future, he be released on bail.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge