

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8015 of 2018

- Shekhar Mishra S/o Pramod Mishra Aged About 21 Years R/o Gandhi Nagar, Sukma, Police Station Sukma, District Sukma Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sukma District Sukma Chhattisgarh

---- Respondent

For Applicant	: Shri Praveen Dhurandhar, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/12/2018

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 85/2017, registered at Police Station – Sukma, District- Sukma (C.G.) for the offence punishable under Sections 354, 294, 323, 506/34 of the IPC and Section 8 & 9 of the POCSO Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the another prosecutrix vide order dated 29.08.2018 passed in M.Cr.C. No. 5599/2018.
3. In this case both the prosecutrix aged about 11 years, present applicant is the tuition teacher of both the prosecutrix. Allegedly on 10.11.2017 after tuition classes present applicant sexually assaulted both the prosecutrix. Report was made by Tameshwar Nishad, father, one of the prosecutrix. On the basis of said report, offence has been registered and the present applicant has been arrested on 11.11.2017.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that both the prosecutrix were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the Applicant is in custody since 11.11.2017 and trial will take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that prosecutrix were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the Applicant is in custody since 11.11.2017 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge