

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 298 of 2019**

Parmeshwar Netam S/o Late Shri Patiram Netam Aged About 35 Years R/o Sanjay Para, Bhanupratappur, Tahsil And P. S. Bhanupratappur, District North Bastar Kanker, Chhattisgarh Permanent Address Village Donde, P. S. And Tahsil Pakhanjore, District North Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Bhanupratappur, District North Bastar Kanker, Chhattisgarh, District : Kanker, Chhattisgarh.

---- Respondent

For the Applicant : Shri Abhishek Pandey, Advocate.
For the Respondent/State : Smt. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 169 of 2018, registered at Police Station Bhanupratappur, District North Bastar Kanker, Chhattisgarh for the offence punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant is a public servant working as a Lecturer in Mathematics at Government Higher Secondary School and he has completed 10 years of service. The applicant used to give tuition to the victim in this case. There were no complaints against this applicant and the applicant has been framed in this case by some political leaders because of some enmity. A complaint was also given to the police regarding the assault made on the brother of the applicant on which, the police has not taken any action and the FIR is delayed by 16 days. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the victim in this case has given a direct statement against the applicant. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. According to the FIR lodged, the victim in this case had been to the place of this applicant for taking tuitions. When both of them were alone in the house, the applicant taking benefit of this opportunity showed obscene things to her and touched her body in indecent manner and also made her sit on his lap. Hence, this case.

7. After considering the facts and circumstances of the case and also looking to the direct statement given by the victim in this case, I do not feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge