

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1348 of 2019**

Naseem Ahmad, son of Inayat Hussain, aged about 45 years, R/o Mominpura,
P.S. and Tahsil Ambikapur, District Surguja (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station
Ambikapur, District Surguja (CG). **---- Non-applicant**

For Applicant	: Mr. Sumit Singh Rathore, Advocate
For Non-applicant	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.04.2019

1. Informant Mohd. Imtiyaz Ansari is present in person before this Court. On pulling some injuries, I am satisfied that the informant, who is present before this Court is the informant.
2. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
3. Perused the case diary provided by the counsel for the State in connection with Crime No.28/2019 registered in Police Station Ambikapur, District Surguja for the offence punishable under Section 354 of IPC and Section 8 of POCSO Act.
4. Case of the prosecution, in brief, is that on 16.01.2019 the prosecutrix was aged about 15 years old. She is a resident of village Mayapur. The applicant is working as Teacher (Urdu) and he is an uncle of prosecutrix. On 16.01.2019 at about 21:30 hrs at village Mayapur, the applicant sent all the students of class outside on the pretext of work and, thereafter he pressed the breast of prosecutrix and used to criminal force upon her body to outrage her modesty. Earlier, he was touching her head and back on one pretext or the other.
5. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the present case and as such the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
7. Informant submitted that he has objection for releasing the applicant on bail.
8. Looking to the facts and circumstances of the case and looking to this fact that the applicant is working as Teacher (Urdu) and the prosecutrix was his student, looking to seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE