

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2357 of 2019**

- Erial Ekka S/o Late Shri Eberatusa Ekka Aged About 32 Years R/o Mohalla Kanya Shiksha Parisar, Quarter No. G - 05, Thana - Gandhinagar, Tahsil - Ambikapur, Civil and Revenue District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through, Station House Officer, Women Police Station Ambikapur, Civil and Revenue District Surguja, Chhattisgarh.

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate.

For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/05/2019

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. 02/2019, registered at Police Station – Women Police Station, Ambikapur, District – Surguja, Chhattisgarh, for the offence punishable under Sections 354, 354 (A) (i-iv) of the IPC & Section 7, 8, 9, f/10 of POCSO Act.
2. In this case, age of the prosecutrix is about 14 years, who studies in a Government Girls School, Ambikapur. Allegedly, at the time of incident, present Applicant was also posted there as a teacher. On 20.02.2019, prosecutrix lodged a report wherein it has been alleged that Applicant who used to teach english subject in the said school, used to say obscene words as well as pass comments on girls for the last two years. On the basis of the said, offence has been registered. Applicants have been taken into custody on 21.02.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case due to some internal politics between the teachers of the said school. He further submits that said incident has occurred 2-3 years ago but the matter was reported after the transfer of the Applicant from the said school. Earlier also, an inquiry has been conducted by the Committee but nothing has been found in the inquiry. Applicant is in custody since 21.02.2019 and trial is likely to take some time. Therefore, Applicant 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 fact that Applicant is in custody since 21.02.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge