

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2767 of 2019**

- Brijkishor Jhariya S/o Umeshewar Das Jhariya Aged About 45 Years Occupation Government Servant (Teacher), R/o Jamatpara, S. Lohara, Police Station S. Lohara, District Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station S. Lohara, District Kabirdham Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Dharmesh Shrivastava, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.05.2019**

1. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.57/2019 registered at Police Station- S. Lohara, District- Kabirdham (C.G.) for the offence punishable under Sections 354, 506 of Indian Penal Code and Sections 7, 8 of Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief is that prosecutrix is aged about 9 years old. She is resident of village Irimkasa. She is studying in Class-IV in Government Primary School Irimkasa. Applicant is a teacher in same school. On 19.03.2019 at about 4:00 pm applicant picked her frock, kissed her and gave threats to kill her.
4. Learned counsel for the applicant submits that due to rivalry with the Head Master applicant has been falsely implicated in this case.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to this fact that applicant was a teacher and prosecutrix was her student, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
7. Certified copy as per rules.

Sd/-**(Sharad Kumar Gupta)**
Judge

Parul