

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3542 of 2019**

- Hemchand Singh Porte S/o Atmaram Porte Aged About 30 Years R/o Padariya, Police Station Takhatpur, District Mungeli, Presently R/o Sakri, Ward No.2, Police Station Chakarbhata, District Bilaspur Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through Officer In Charge Of Police Station Pathariya, District Mungeli Chhattisgarh

**----Non Applicant**


---

For the Applicant : Mr. Pallav Mishra, Advocate

For Non Applicant : Ms. M. Asha, Panel Lawyer

---

**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****03.07.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court on 30.01.2019 in MCRC No.9600 of 2018 considering the prima facie case.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.374/2018 registered at Police Station- Pathariya, District- Mungeli (C.G.) for the offence punishable under Sections 354, 354D, 509(B), 506, 34 IPC and Sections 12, 17, 9(f)(g)(i) of POCSO Act and 67 of IT Act.
4. Case of the prosecution in brief is that in March 2016 prosecutrix was about 16 years old. She is resident of village Saragaon. She was studying in

Goverment Girls H.S. School Saragaon. Applicant was posted as teacher in that school. Applicant had trapped her in a love affair. Thereafter, he used to kiss and press her breast.

5. Learned counsel for the applicant submits that 6 months prior charge has been framed against the applicant thereafter not a single witness has been examined. Thus, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no antecedent against the applicant.
7. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no change in the circumstance of the case on the strength of which the applicant may be released on bail in second round of litigation, thus second bail application is rejected.
8. However, trial Court is directed to expedite the trial and dispose of the case as soon as possible preferably within 5 months from the date of receipt of copy of this order.

**Sd/-**

**(Sharad Kumar Gupta)**  
Judge

Parul