

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9600 of 2018

- Hemchand Singh Porte S/o Atmaram Porte Aged About 30 Years R/o Padariya, Police Station Takhatpur, District Mungeli Chhattisgarh Present R/o Sakari, Ward No. 2, Police Station Chakarbhata, Civil And Revenue District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicants	: Shri S.A. Ansari, Sr. Advocate and Ms. Meera Ansari, Advocate
For Non-applicant	: Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

30.01.2019

1. The Investigating Officer Anand Ram, Police Station Patharia District Mungeli present in person before this Court along with the case diary.
2. He is directed to strictly comply the order of this Court in future.
3. Heard on bail application.
4. This is 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.
5. 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, 354(D), 509(B), 506, 34 of the Indian Penal Code and 12, 17, 9(f)(g)(l) of POCSO Act and 67 of IT Act.
6. 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.
7. Counsel for the applicant submitted that FIR is delayed by 2 years he has been falsely implicated in this case, two other coaccused have been released on bail by this Court, thus may be released on bail.
8. On the other hand, learned counsel for the State opposes the bail application.
9. The applicant was a teacher in that school and his case is different from other coaccused Suraj @ Tekam Sahu and Praveen Koshle.
10. what would be the effect of delay in lodging FIR is the subject matter of the scrutiny which can be done by the trial Court, at this stage this Court cannot scrutinize the evidence.
11. Looking to this fact that applicant was a teacher in that school and that being teacher he was involved in such offence this Court is not inclined to release the applicant on bail.
12. Accordingly, the present bail application is rejected.
13. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE