

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 547 of 2020**

Kirti Kumar Sharma S/o Ramavatar Sharma Aged About 44 Years R/o
Barela, Police Station Jarhagaon, District Mungeli, Chhattisgarh.,
District : Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Jarhagaon, District Mungeli, Chhattisgarh., District : Mungeli,
Chhattisgarh

---- Respondent

For the Applicant	:	Shri Malay Shrivastava, Advocate
For the State	:	Shri Praveen Shrivastava, P.L.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**28/01/2020**

1. This is the second bail application under Section 439 of the CrPC. Earlier his first bail application was dismissed for want of prosecution by this Court vide order dated 16/08/2019 passed in MCRC No. 4676/2019.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.89/2019 registered at Police Station Jarhagaon, District Mungeli (C.G.) for the offence punishable under Sections 294, 354, 354(A) of IPC and Section 9 & 10 of POCSO Act and 3(1)(b) of Schedule Caste Schedule Tribe (Prevention of Atrocities) Act.
3. Case of the prosecution, in brief is that there are 16 prosecutrix, some of them belongs to Schedule Caste. Applicant was a teacher in Government Middle School, Barela. One month prior to 28/03/2019 to 28/03/2019 applicant had used criminal force upon 16 prosecutrix to outrage their modesty and also made sexually coloured remarks.
4. Counsel for the applicant submitted that out of 16, 6 prosecutrix have been examined who do not support the prosecution case. He drew my attention on Annexure A/2. He further submitted that applicant is in jail since 25/06/2019, FIR is delayed, hence applicant may be

released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant is reported in the police case diary.
6. In the case in hand other 12 prosecutrix have to be examined.
7. Applicant was a teacher in same School where the prosecutrix were studying.
8. This is true that detention period of the accused is a material factor for disposal of the bail application, but equally it is also true that seriousness of the offence and impact of granting bail to the accused are more important and material factors.
9. Mere delay in lodging FIR is not a sufficient ground to enlarge the accused on bail.
10. Looking to the above mentioned facts and circumstances of the case, looking to this fact that applicant was a teacher in said school where the alleged offence had been committed, looking to the seriousness of the offence and impact of granting bail to the accused on society, this Court finds that this is not a fit case where applicant may release on bail in second round of litigation. Consequently second bail application of the applicant is rejected. However, trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
Judge