

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No.3493 of 2020**

- Abhishek Kumar Gupta S/o Shri Pramod Gupta Aged About 34 Years R/o Jawahar Navodaya Vidyalaya P. S. Barsoor District South Bastar Dantewada Chhattisgarh

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

- State Of Chhattisgarh Through Station House Officer, P. S. Barsoor District South Bastar Dantewada Chhattisgarh

---- Respondent***And*****M.Cr.C. No. 3497 Of 2020**

- Abhishek Kumar Gupta S/o Shri Pramod Gupta Aged About 34 Years R/o Jawahar Navodaya Vidyalaya P. S. Barsoor District South Bastar Dantewada Chhattisgarh

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

- State Of Chhattisgarh Through Station House Officer, P. S. Barsoor District South Bastar Dantewada Chhattisgarh

---- Respondent

For the Applicant : Mr. Vivek Sharma, Advocate.
 For the Respondent/State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2020**

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 439 of Cr.P.C. filed by the applicant for grant of regular bail.

2. In M.Cr.C. No.3493 of 2020, the applicant has been arrested on 11.02.2020 in connection with Crime No.02/2020, registered at Police Station- Barsoor, South Bastar District- Dantewada, C.G. for offence punishable under Sections 328, 342, 354, 354(A)(1) & 354(D)(1) of I.P.C. and Section 8 & 10 of POCSO Act.
3. In M.Cr.C. No.3497 of 2020, the applicant has been arrested on 11.02.2020 in connection with Crime No.03/2020, registered at Police Station- Barsoor, South Bastar District- Dantewada, C.G. for offence punishable under Sections 354(A)(1) & 354(D) of I.P.C. and Section 8 & 10 of POCSO Act and Sections 3(1)(b)(i) & 3(2)(5A) of SC & ST (Prevention of Atrocities) Act.
4. Learned counsel for the applicant submits that this applicant had not committed any offence and the F.I.R. lodged by the victims of both the cases is totally false and the F.I.R. is delayed by four months. The applicant is in jail since 11.02.2020 and charge-sheet has also been filed after completion of investigation, therefore, it is prayed that he may be granted bail in both the cases.
5. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant had been a Science teacher in the school, where victims in both the cases were student. It is alleged that the applicant used to inappropriately touch the female victims of the case. When complaint was made by them, a Committee was constituted for inquiring into the matter which has given a report against this applicant. Therefore, on the information given by the school, the F.I.R. has been lodged against this applicant. Therefore, it is prayed that this applicant may not be granted bail in both the cases.

6. The victim in M.Cr.C. No.3497/2020 is present in person before this virtual Court through the Help Desk of High Court of Chhattisgarh. She is a member of Scheduled Tribe and she has stated that she has objection in grant of bail to the applicant.
7. Heard counsel for both the parties and perused the case diary.
8. As per the prosecution case, it is alleged that this applicant, who was posted as Science teacher in the concerned school used to harass and molest the minor victims of aged about 12 years in both the cases by touching them inappropriately. On complaint made by them, the school has made an inquiry and on the basis of report given, the F.I.R. has been lodged.
9. Considered on the submissions made by the rival parties and also the objector and for the reasons that the investigation is now complete and the case is pending for trial and the applicant is in jail since 11.02.2020, therefore, no purpose would be served, if he is kept in jail till the completion of trial, hence, I feel inclined to allow both the applications.
10. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge