

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3839 of 2020**

- Ghanaram Latiya, S/o Shri Shriram Latiya Aged About 56 Years R/o Village-Dokla, P.S. Khadgaon, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- The State of Chhattisgarh Through-Station House Officer, Police Station Manpur, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr.R.K. Pali, Advocate.
For State/respondent	: Mr. D.P. Singh, Dy. Adv. General.
For Objector	: Mr. Shailesh Puriya, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/08/2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.52/2019 registered at Police -Station-Manpur, District-Rajnandgaon(C.G.) for the offence punishable under Section 354(A) of IPC and Section 10 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case because of the enmity of his colleagues. The applicant is in jail since 5.6.2020. No case is made out against the applicant. The applicant is a school teacher. He had some disputes with the other teaching staff of that

school, therefore, he has been falsely implicated by making use of the girl students. In further development, the complainant Bishlal Yadav, the lodger of FIR has made a representation to the police informing, that the applicant has been falsely implicated in this case. The complainant has also given an application making statement of no objection, which is supported with his affidavit, hence, it is prayed that he may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear allegation made against this applicant by the minor girls of age 13-14 years, who are the students regarding the act of this applicant by which their modesty was outraged, therefore, this applicant has no entitlement for grant of bail to the applicant.
4. Mr. Shailesh Puriya, Advocate appearing for the complainant/informant submits, that the complainant has no objection in granting bail to the applicant. The complainant as well as the parents and guardians of the other students have made representation to the Superintendent of Police stating, that this applicant has been falsely implicated, therefore, the criminal proceedings against this applicant be stopped.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the FIR lodged, it is alleged that this applicant while performing his duty as a school teacher used to inappropriately touch the minor girl students on various parts of the body regarding which complaint was made and, thereafter, the FIR has been lodged.

7. Considered on the submissions and the statement of no objection made by the complainant side. As it appears that the charge-sheet in this case has been filed, after completion of investigation and the applicant is in jail since about two months, therefore, there is no requirement to keep him in custody continuously till the conclusion of trial, for this reason, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha