

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6392 of 2020

- Ashok Kumar Sahu S/o Feruram Sahu, Aged About 40 Years, R/o Village Jangalpur, Police Station Lalbag, District Rajnandgaon Chhattisgarh. At Present R/o Pre-Secondary School, Sahaspur Dalli, Police Station Ghumka, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ghumka, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

----Non-applicant

For Applicant – Shri Punit Ruparel, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 07-03-2019 in connection with Crime No.36/2019 registered at Police Station - Ghumka, District Rajnandgaon, Chhattisgarh for the offence under Section 376 & 506 of the IPC and Section 4 & 5 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that this is second application filed by the applicant for grant of regular bail before this Court. His earlier bail application, MCRC No.5443/2019 was dismissed as withdrawn on 03-10-2019. It is submitted that the applicant is in jail since 07-03-2019 and the trial against him is almost standstill and no single witness has been examined so far. No case is made out against this applicant. Therefore, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is Head Master of the school where the victim

was his student. There are serious allegations against the applicant regarding exploiting the victim sexually, therefore, he is not entitled for grant of bail.

4. Complainant Santosh Verma is present before this virtual Court through Help Desk of DLSA Rajnandgaon. He had made statement that he has strong objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the documents.

6. As per the prosecution case, It is alleged that about one year prior to the date of lodging FIR when age of the victim was only 12 years, the applicant exploited her sexually which continued on some more occasions and when it was discovered on 05-03-2019, the FIR was lodged. The age of the victim on the date of lodging of the FIR was 13 years. The MLC report also recorded that the victim is no longer virgin.

7. After considering on the submissions and the facts of the case, I am of this view that it is not a fit case where the applicant should be granted bail.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected. However, a direction is given to the trial Court to take up the case and dispose it off expeditiously as soon as normal functioning of the court is restored.

Sd/-

(Rajendra Chandra Singh Samant)
Judge