

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 598 of 2021**

- Rita Mane, W/o Avinash Mane, Aged About 42 Years, R/o Civil Line, Lal Bag, Jagdalpur, District- Bastar (Chhattisgarh).

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Station- Kotwali, Jagdalpur, District Bastar (Chhattisgarh).

---- Respondent

For Applicant	: Mr. T.K. Jha, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15.07.2021**

1. The matter is heard through video conferencing.
2. This is the **second bail application** under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending her arrest in connection with Crime No. 35/2021 registered at Police Station- Kotwali, Jagdalpur, District Bastar, (C.G.) for commission of the offence punishable under Sections 306, 34 of IPC & Sections 75 and 82 of the Juvenile Justice (Cure and Protection of Children) Act, 2015.
3. Earlier, the first bail application under Section 438 of Code of Criminal Procedure was dismissed on 01.04.2021 passed in MCRCA No. 400/2021.
4. Case of the prosecution is that, deceased D. John Prashant, aged 14 years, was a student of Adeshwar Academy, staying in boys hostel, Halba Kachora, Jagdalpur. On 25.07.2019, he committed suicide by hanging himself in the hostel. The mother of the deceased made a complaint and on the basis of complaint, investigation was carried out and in the investigation it

was revealed that the applicant, who is a Hindi Teacher, used to harass the deceased and, at her instance, hostel in-charge Sunil Singh used to beat him. Based on this, offence has been registered against the present applicant under Sections 306, 34 of IPC & Sections 75 and 82 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there is no specific allegation of abetment of suicide against the applicant and there is also delay in lodging the FIR. He next added that there is no criminal antecedent against the applicant and the charge-sheet has been filed.
6. On the other hand, counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that a student of 14 year committed suicide because he was harassed by his teacher physically and mentally, therefore, applicant may not be granted anticipatory bail.
7. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the conduct of the applicant, this Court is of the considered opinion that it is not a fit case to grant anticipatory bail to the applicant.
8. Accordingly, her anticipatory bail application filed under Section 438 of the Code of Criminal Procedure is rejected. However, the trial Court has to decide the bail application of the applicant as early as possible in accordance with law, on her surrender.

**Sd/-
(Rajani Dubey)
Judge**