

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7598 of 2020

- Aanand Ram Pisda S/o Dwaruram Pisda, Aged About 58 Years, R/o Dhorrithema, Thana Dondi, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., Police Station Dondi, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For Applicant – Shri Rahil Arun Kochar, Advocate.

For Non-applicant/State – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-01-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 17-09-2020 in connection with Crime No.135/2020 registered at Police Station – Dondi, District Balod, Chhattisgarh for the offence under Section 354(ख), 354क(i)(iv) of the IPC and Section 8, 9(च) (ड), 10, 12 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. The applicant is a teacher and he is of age 58 years at present. The applicant was present at the time of trial of new school dresses of the school students, which has been misunderstood and false FIR has been lodged against him. The applicant is in jail since 17-09-2020. Charge sheet has been filed and the case is pending for trial. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant is a school teacher, therefore, he is a person who should present an ideal image for the society, whereas the allegations made against him are of very serious nature. Hence, he is not entitled for grant

of bail.

4. Notices were issued to the complainant, however, that was not necessary under Section 439(1A) of the Cr.P.C. The complainant of the case had appeared through video conferencing on 09-12-2020 and objected to grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, it is alleged that on the date of incident when the new school dresses were being tried on the students it is alleged that this applicant touched the private parts of minor victim of age about 8 years and one another of the same age, regarding which complaint was made and then offences were registered against this applicant.

7. Considered on the submissions and facts of the case. As the applicant has undergone detention of about more than three months, charge sheet has been filed and the case is pending for trial which is likely to take some time, therefore, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge