

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 1173 of 2021

Charan Singh Markam S/o Kolaram Markam, Aged About 36 Years, R/o Village Chilputi, P. S and Tahsil Kondagaon, District Kondagaon Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Kondagaon, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sareena Khan, Advocate.
For State	: Ms. A.S. Chauhan, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

29/09/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.318/2021 registered at Police Station –Kondagaon, District – Kondagaon, (CG), for the offence punishable under Sections 153(A), 323 of Indian Penal Code & 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015.
2. Case of the prosecution, in brief, is that applicant is a government teacher. On 31.08.21, applicant and another teacher (co-accused) have made objectionable comment on the God and Goddess of Hindu religion and assaulted children. Due to the comment there is spread of anger in the class of society. Incident was reported to the concerned police station, based upon which aforementioned crime is registered against applicant and co-accused.
3. Learned counsel for the applicant submits that applicant has not committed any offence as alleged against him. Due to previous enmity, complainant along-with other persons came to School, abused and assaulted applicant as well as other teachers present in School. Applicant has also lodged report in the concerned police station on 03.09.21, copy of which is placed on record along-with bail application as Annexure A-2. She further submits that there is delay in registering FIR of applicant because the Police first conducted preliminary investigation on complaint of applicant. Applicant is a government teacher, hence, he may be enlarged on anticipatory bail.
4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that students of School have intimated the act of commission of crime as alleged in the complaint, thereafter it is reported to

Police. Based upon which crime is registered. Statement of students are also available in case diary. Hence, applicant is not entitled for grant of anticipatory bail.

5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, applicant is government servant and upon his complaint FIR was also registered against Sanjeev Gahlot and four other persons, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, he shall be released on bail by officer arresting him on executing a personal bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Arresting Officer. Applicant shall also abide by the following conditions :
 - (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
 Judge

Jamal/-