



2026:CGHC:21729

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 552 of 2026

Ashim Mukherjee S/o Alok Mukherjee Aged About 38 Years R/o. House Number 33/147 Behind Old Abhiram Sharma Hospital Mannu Chowk Tikrapara Bilaspur District Bilaspur Chhattisgarh Wrongly Mentioned In Order Sheet As Ashim Mukharji Son Of Alok Mukharji Aged About 38 Q.No. 33/147 Beside Old Abhiram Sharma Hospital Mannu Chowk Tikrapara Distt.- Bilaspur

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station Chakarbhata, District Bilaspur Chhattisgarh.

... Non-applicant

For Applicant	: Mr. Arjit Tiwari, Advocate
For State/ Non-applicant	: Ms. Smriti Shrivastava, P.L.
For Objector	: Mr. Aditya Pandey, Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice
Order on Board

08.05.2026

1. This first anticipatory bail application under Section 438 of the Code of Criminal Procedure has been filed by the applicant, who is apprehending his arrest in connection with Crime No.59/2026

registered at Police Station –Chakarbhata, District- Bilaspur Chhattisgarh for the offence punishable under Section 74 of the Bhartiya Nyaya Sanhita, 2023 as well as Section 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.

2. Case of the prosecution in brief, ie, on 29.01.2026, the complainant, a 17-year-old minor student of B.Tech (CSE) at Chouksey Group of Colleges, appeared for her exam at LCIT Examination Centre, Bilaspur, in Room No. T-2, where at about 11:30 AM the applicant, acting as invigilator, approached her under the pretext of checking/supervision and allegedly deliberately touched her private body parts despite sufficient distance from her answer sheet, the complainant felt uncomfortable and believed the act was intentional, leading to the registration of FIR dated 30.01.2026 based on her written complaint, which was taken up for investigation.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated on the basis of a false and concocted complaint. It is further submitted that the entire allegation is contradicted by CCTV footage of the examination hall, which rules out any physical contact or criminal intent. It is also submitted that the essential ingredients of the alleged offences, particularly sexual intent, are not made out, and the

applicant is a respectable professor having no criminal antecedents and has cooperated with the investigation. It is further submitted that charge-sheet has not been filed, hence custodial interrogation is not required and the applicant deserves anticipatory bail.

4. Per contra, learned State counsel opposes the application submitting that the allegations are serious in nature involving a minor victim, and the applicant, being an invigilator, committed a breach of trust. It is further submitted that the CCTV footage is a matter of evidence to be tested during trial and cannot be a ground for anticipatory bail. It is also submitted that the FIR discloses a *prima facie* cognizable offence and therefore the application deserves rejection.
5. Learned counsel for the objector submits that he has no objection in granting bail to the applicant.
6. I have heard learned counsel for the parties and perused the case diary.
7. Having considered the submissions made by the parties and the material available on record, it is observed that the applicant is a professor with no criminal antecedents and has been implicated on allegations which are disputed by him, particularly in view of CCTV footage of the examination hall at Room No. T-2, LCIT

Examination Centre, Bilaspur. The applicability of Section 47 of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the POCSO Act, 2012, including the element of sexual intent, are matters requiring detailed appreciation of evidence during trial. The investigation is stated to be complete/at a stage where custodial interrogation is not shown to be necessary, and charge-sheet has not been filed. Considering these circumstances, this Court is of the opinion that a case for grant of anticipatory bail is made out.

8. Accordingly, the instant MCRCA is **allowed** and it is directed that in the event of arrest of the applicant- **Ashim Mukherjee**, on executing a **personal bond** and **one surety** in the like sum to the satisfaction of the arresting Officer, he shall be released on anticipatory bail on the following conditions:-

- (a) He 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 from disclosing such fact to the Court.

- (b) He shall not act in any manner which will be prejudicial to fair and expeditious trial.

- (c) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) The applicant and the surety shall submit a copy of their adhaar card along with a coloured postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) He shall not involve himself in any offence of similar nature in future.

Sd/-
(Ramesh Sinha)
Chief Justice

Arpan