

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 321 of 2016**

Smt. Suwarna Kaur, W/o Shri Amardeep Singh, aged about 32 years, R/o House No. 11A, Sadak No.15, Sector-07, Police Station Bhilai Nagar, District Durg (C.G.)
 ... **Applicant**

Versus

State of Chhattisgarh, through : Station House Officer, Police of Police Station – Bhilai Nagar, District Durg (C.G.)
 ... **Non-Applicant**

For Applicant	:	Mr. T.K.Jha, Advocate.
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****21/04/2016**

1. The applicant has preferred the instant bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as she apprehends her arrest in connection with Crime No. 127 of 2016, registered in Police Station Bhilai Nagar, District Durg (CG), for offence punishable under Sections 376, 202 of the I.P.C. and Section 3 (b), 4, 5 (f), 7, 8, 17 and 21 (2) of the Protection of Children from Sexual Offences Act, 2012 (for short 'the Act 2012')
2. The case of the prosecution, in brief, a report was made by the mother of victim to the applicant, who is a class teacher MGM School, that her minor daughter was subjected to sexual offence by one Sunil Rao, but the applicant did not take any action and instead has levelled allegation on the victim thereby tried to give shelter and protection to the main accused.
3. Mr. T.K. Jha, learned counsel appearing for the applicant submits that the applicant is a school teacher and even her children are studying in the said school. No report of sexual assault was ever made to this applicant as otherwise she would have reported the matter to the Police authorities. The only allegation levelled against the applicant

is that she did not take any action promptly against the main culprit despite the matter was reported to this applicant promptly by the mother of the victim, and therefore, no offence has been committed by the applicant. Counsel for the applicant further submits that if no allegation of sexual assault was reported to this applicant, then the question of giving shelter and protection to the main accused does not arise. It is further submitted that similarly placed applicants, namely, Daniel Varghese and Sajan Thomas were granted anticipatory bail by the coordinate Bench of this Court in M.Cr.C.(A) No.274 of 2016, and therefore, the benefit of anticipatory bail may be extended to the present applicant.

4. On the other hand, Shri Anant Bajpai, learned counsel for the State opposes the bail application and submits that even the fact of sexual assault was brought to the present applicant by the mother of the victim, this was not informed to the Police authorities immediately, therefore, prima facie offence is made out against the present applicant under Section 19 and 21 (2) of the Act 2012. It is submitted that she being the teacher of the school, the matter would have been reported immediately to the Police authorities, as such, prima facie case was made out against the present applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. A perusal of case diary would reveal that a report was made by the mother of the victim that her daughter refused to go to school and on being enquired the matter was firstly reported to the school management and consequently it was reported to the applicant, who is a class teacher. Perusal of statement of mother of the victim would also show that her daughter was subjected to sexual assault by one Sunil Rao, who is main accused, was not made by her and nothing is before this Court to show that sexual assault was reported prior to lodging of F.I.R.
7. Taking into consideration the fact that the applicant is a teacher in the school and further considering the case diary statements and also the fact that similarly situated applicants have been enlarged on bail,

I am of the considered opinion that *prima facie* it is a fit case where the applicant can be extended the benefit of anticipatory bail.

8. Accordingly, the application for grant of anticipatory bail is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on her furnishing a personal bond in the sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the Officer arresting him and she shall abide by all the following terms and conditions:

- (i) that the accused/applicant shall make herself available for interrogation before the concerned Investigating Officer as and when required;
- (ii) that the accused/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 the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

**Sd/-
(GOUTAM BHADURI)
JUDGE**