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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 404 of 2018**

Amrit Ram Nikunj S/o Late Dele Ram Nikunj Aged About 60 Years Caste Uraon, Occupation Service (Principal Govt. Girls Higher Secondary School, Bagicha), P. S. And Tahsil Bagicha, District Jashpur Chhattisgarh, Permanent R/o Village Bangaon, Tahsil Farsabahr, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Bagicha, District Jashpur Chhattisgarh,, District : Jashpur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 405 Of 2018**

Bhuvneshwar Alfa, wrongly written as Bhuneshwar Alfa, S/o Shri Firat Ram Aged About 46 Years Caste Satnami, Occupation Service (Lecturer Panchayat Govt. Boys Higher Secondary School, Bagicha), P. S. And Tahsil Bagicha, District Jashpur Chhattisgarh, Permanent R/o Village Karumauha, Tahsil And P. S. Kharsiya, District Raigarh Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station Bagicha, District Jashpur Chhattisgarh,, District : Jashpur, Chhattisgarh.

---- Respondent

For the Applicants : Shri C. Jayant K. Rao, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.06.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail,

who are apprehending arrest in connection with Crime No. 37 of 2018 registered at Police Station – Bagicha, District Jashpur for the offence punishable under Sections 454, 354, 354-A(i)(ii) of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in both the cases. Applicant - Amrit Ram Nikunj is Principal of the Government Girls Higher Secondary School, Bagicha. The complainant/ victim was not a student of his school. She has made totally false allegation about applicant - Amrit Ram Nikunj that he met her and outraged her modesty and this applicant had no occasion or reason to meet the complainant. The allegation against applicant – Bhuvneshwar Alfa is only that the complainant was asked to meet applicant – Amrit Ram Nikunj to seek help because he was the Incharge of the Centre for examination. Totally unbelievable story has been brought up by the complainant against both these applicants. The applicants are ready to abide by all the conditions that may be imposed for grant of anticipatory bail. Hence, it is prayed that the applicants in both the cases may be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant had made direct allegation in FIR and in her statement against both these applicants. Hence, looking to the case against the applicants, they are not entitled for grant of anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case against these applicants, the victim is a student of 12th Class in Government Higher Secondary School, Bagicha. She was advised by applicant – Bhuvneshwar Alfa to meet applicant – Amrit Ram Nikunj so that he will help her in the Examination Centre. On the date of incident, it is alleged that applicant - Amrit Ram Nikunj came to the house of the complainant and after kissing on her cheek he asked her to come inside. The complainant refused to go inside and thereafter, applicant - Amrit Ram Nikunj left the place. On this basis, it is alleged that the modesty of the complainant has been outraged.

6. Considered the material present in the case-diary. Considered the case against both the applicants who are in government service as Principal and Teacher. The case is to be further investigated to find support of the allegations made against the applicants. After due consideration, I am of the opinion that the present is a fit case where the applicants in both the cases are entitled to be released on anticipatory bail.

7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge