

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1001 of 2018

- Ashwani Kumar Khairwar S/o Late Mahajan Ram Khairwar Aged About 51 Years R/o- Q.No. F-4, Govt. Girls Polytechnic Campus Police Station- City Kotwali, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- City Kotwali, Sadar Bazar, Raipur, Revenue District- Raipur, Civil District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Ankit Pandey, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.239/2018 registered at Police Station-City Kotwali, District – Raipur(C.G.), for the offence punishable under Sections 354(A)(i)(iii), 354(A)(i)(iv) & 509 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him, according to the material present in the case diary. The allegation that have been made by the complainant and other

witnesses in this case under Section 509 of IPC, which is a bailable offence. The offence under Section 354A is not made out in any condition. This applicant is a principal of Government Polytechnic College and has a good reputation. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. A complaint has been made by the victim in this case and other witnesses, who are female lecturer of the institute, that the applicant is habitual conversing with them in objectionable, insulting and obscene language, because of which they made a complaint to the department of which an enquiry was conducted, and the applicant was found guilty in that inquiry. Hence, the FIR has been lodged against him.
6. Considering on the contents of the inquiry report, in which, statement has been given by the victim in this case. After due consideration on entire material present in the case diary, I am of this view that the applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application of applicant is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when

required;

- (ii) that the 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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/-

(Rajendra Chandra Singh Samant)

Judge

Nisha