

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 193 of 2019**

- Kaushlendra Rathor, S/o Ram Ratan Rathor, aged about 38 Years, R/o Krishna Vihar, Q.No. B-1234, N.T.P.C. Colony Jamnipali, Tahsil Katghora, District-Korba, Chhattisgarh.

---- Applicant

**Versus**

- State of Chhattisgarh Through The District Magistrate (Ajak Korba), Korba, District-Korba Chhattisgarh.

---- Respondent

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For Applicant : Mr. Sumit Singh, Advocate.  
For Respondent/State : Mr. Lav Sharma, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**26/02/2019**

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.13/2019 registered at Police Station-AJAK Korba, District – Korba(C.G.), for the offence punishable under Section 354(A) of the Indian Penal Code, Section 12 of POCSO Act & 3(2)(5) of SC/ST Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The offence under Section 354A of IPC is bailable in nature, whereas the offence under Section 3(2)(5) of SC/ST Act is not made out in this case. Applicant is School Teacher and he has been falsely implicated in this case, hence, it is prayed that applicant be

benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged by the complainant/victim has lodged that she has met with by this applicant who stated that he comes to school for her and after making unnecessary comments on her asked for her mobile number. The complainant is a member of Scheduled Caste, hence, offence has been registered accordingly.
6. After considering on the entire material present in the case diary, and for the reason that the main offence registered against the applicant is bailable in nature, I am of this opinion that applicant should be granted anticipatory bail.
7. Accordingly, the anticipatory bail application 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**