

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1287 of 2019**

- Ritesh Kumar Kesharwani S/o Bhagwan Prasad Kesharwani, Aged About 46 Years Current Occupation Principal, Mona Modern School, Sarangarh, R/o Motiram Street, Ward No. 09 Sarangarh, Police Station and Tehsil Sarangarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Prafull N. Bharat, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**13/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 322/2019 registered at Police Station Sarangarh, District – Raigarh, (C.G.) for the offence punishable under Sections 354/34 of Indian Penal Code read with Sections 3(1)(R-S), 3(2)(5-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per the prosecution story, complainant/prosecutrix is a sports teacher, aged about 25 years, working at Mona Modern School, Sarangarh. Present Applicant is the Principal of the said School. On 17.07.2019 a written complaint has been lodged by the complainant alleging that she is employed in the school and was paid Rs. 10,000/- monthly instead of her salary Rs. 16,000/- and whenever the complainant asked for rest of the money, then applicant used to say that other part of the salary would be given to her after her work is over. It is further alleged that one other sports teacher namely Anup

Haldhar used to physically harass the complainant daily. When the complainant made complaint to the Applicant about the same, then he told her to tolerate this. It is further alleged that in the month of November, 2018, present applicant used to speak obscene words and molest her. On 04.02.2019, complainant was also expelled from the school without any reason. The applicant abused her about her caste making allegation of theft. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case by the complainant. He further submits that, complainant has made a false and frivolous complaint against applicant with an oblique motive. Complainant was also absent from her services from 22.12.2018 to 03.01.2019 and from 22.01.2019 to 31.01.2019 without any application or oral information to the school authority, therefore, she was dismissed from her services. The complainant being aggrieved by the above termination, made a complaint before Sub Divisional Officer, Sarangarh, District Raigarh in which she had not stated anything regarding allegations made on her. On 27.04.2019 also, complainant sent legal notice to the applicant in which she has not stated anything about the allegations made on her. Thus, it appears that applicant has falsely been implicated in the present case. *Prima facie*, no offence can be made out against present applicant. He further submits that, applicant is a reputed person and is a Principal of a school, therefore, he may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the fact and circumstances of the case and particularly considering the fact that incident is of November, 2018 and complainant lodged written complaint on 17.07.2019 after she was

dismissed from school, also in the complaint made before S.D.O. and in the legal notice, complainant has not stated anything regarding the allegations made on her, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.

7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) 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,
 - (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge