

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1189 of 2021**

- Sanjay Kumar Mehar S/o Bindeshwari Mehar aged about 45 Years R/o Nagarmuda, Police Station Tamnar, District Raigarh (Chhattisgarh) Presently R/o Village Rekbahar, Post Kotba, Tahsil Patthalgaon, District Jashpur (Chhattisgarh)

-----Applicant**VERSUS**

- State of Chhattisgarh through: SHO, Police Station Bagbahar, Outpost Kotba District Jashpur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. K.N Nande, Advocate
For Non-applicant- State	: Mr. B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****29/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 98/2021 registered at Police Station Bagbahar, Outpost Kotba, District Jashpur (C.G.) for the offence punishable under Sections 354 of IPC.
2. Case of the prosecution in brief, is that, the complainant/ prosecutrix is working as cook in Primary school, Buldega for serving mid-day meal. Applicant is working as teacher. Whenever the complainant was cooking food in kitchen, applicant enters into the kitchen and asked for a kiss. On 10.08.2021, when she was engaged in cooking food, applicant enters into kitchen and asked for kiss and caught hold her. Incident was reported to Sarpanch of village, thereafter complaint was lodged before the concerned police station on 22.08.2021. Based on which, aforementioned crime is registered against applicant.
3. Mr. K.N. Nande, learned counsel for applicant would submit that the allegation levelled against applicant is false and baseless. He further submits that the allegation in the complaint is a cooked-up story by the sarpanch of village panchayat. Complainant in crime number

97/2021 is relative (co-sister) and they have lodged the report on same day only on 22.08.2021. He further submits that when applicant did not follow the direction of sarpanch of making false entries of attendance of children showing the excess consumption of food-grains, false allegations have been levelled. Complaint was lodged on instigation of sarpanch of village panchayat. He further contended that the applicant is a government teacher, hence, he may be enlarged on anticipatory bail.

4. Learned State counsel controverting the submissions made by learned counsel for applicant would submit that there are specific allegations of misbehaving and making continuous attempt of outraging the modesty of prosecutrix. On the date of accident ie. 10.08.2021, applicant caught hold of prosecutrix to which the complainant somehow escaped from the kitchen of school. He submits that in view of nature of allegations available in the case diary, applicant is not entitle for benefit under Section 438 of CrPC.
5. I have learned counsel for the parties and also perused the case diary.
6. Taking into consideration the nature of allegation, statement of prosecutrix recorded under Section 161 and 164 of CrPC, delay in lodging complaint and report, age of complainant, applicant being a government servant, without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (98/2021), he shall be released on anticipatory 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 arresting Officer. Applicant shall also abide by the following conditions:
 - (i) that the applicant shall make himself available for interrogation before the Investigation 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/-
(Parth Prateem Sahu)
Judge

Pawan