

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1205 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.L. Sahu, Panel Lawyer.

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. 97/2021 registered at Police Station Bagbahar, Outpost Kotba, District Jashpur (C.G.) for the offence punishable under Sections 354, 376 of IPC.
2. Case of the prosecution in brief, is that, the complainant/ prosecutrix is working as cook/ Anganwadi assistant in Anganwadi Centre situated near a Primary school. Whenever prosecutrix was preparing food for the children in kitchen, applicant who is teacher in the said Primary School enters the kitchen room and asked for kiss from her. On 07.03.2021, prosecutrix was going for vaccination to village Sarangpani, applicant came there on motor cycle, asked her as to where she was going and thereafter, he stated that he would drop her to vaccination centre at Sarangpani. Applicant took her to Kupakani Kajuwadi nursery jungle and made forceful physical relationship with her, thereafter she was taken to vaccination centre and thereafter dropped her back to home. Incident of commission of forceful intercourse was not intimated to the family members for some time

due to shame/ shyness but applicant thereafter continued his illegal act of demand of kiss from prosecutrix. Aggrieved by the act of applicant, prosecutrix along with her family members made complaint to Sarpanch of village and thereafter report was lodged. Based on which aforementioned crime was registered against applicant.

3. Mr. K.N. Nande, learned counsel for applicant would submit that the allegation levelled against applicant is absolutely false and baseless. He submits that the alleged incident of rap taken place on 07.03.2021 whereas FIR was lodged in August 2021, after delay of about more than 5 months. He submits that FIR was registered based on the cooked-up story by the Sarpanch of village panchayat. Sarpanch wanted him to show excess name of children in the register of anganwadi and of primary school present in the mid-day meal session which applicant has not followed as the applicant is a government servant and performing his duties sincerely and thus, false allegation has been levelled against applicant, hence, he may be enlarged on anticipatory bail.
4. Learned State counsel controverting the submissions made by learned counsel for applicant would submit that though the complainant has lodged report in August 2021 stating to be the offence committed by applicant in the month of March 2021 but reasons have been assigned for not lodging the complaint immediately. He further submits that the act of applicant became aggravate as he continued his illegal demand of kiss and misbehaving with complainant which made the prosecutrix to lodge the report. Based on the written complaint of sarpanch of village, applicant has been suspended from his services.
5. I have heard learned counsel for the parties and also perused the case diary.
6. Taking into consideration the nature of allegation, facts and circumstances of the case and the submissions made by learned counsel for applicant, delay in lodging FIR, applicant being government servant, complainant is aged about 45 years of age, 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 (97/2021), 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