

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1586 of 2020**

- Sushil Kumar Kaushik, S/o Mohanlal Kaushik, Aged About 56 Years, R/o Village Chhatauna, Police Station- Chakarbhatha, Tahsil Takhatpur, District- Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chakarbhatha, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ratnesh Kumar Agrawal, Adv.
For Respondent/State	: Ms. Anjali Singh Chauhan, P.L.
For Complainant/Objector	: Ms. Romir S. Goyal (present in person)

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.03.2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 258/2020 registered at Police Station- Chakarbhatha, District- Bilaspur (C.G.) for commission of the offence punishable under Sections 452, 354, 509 of IPC.
2. Case of the prosecution is that, it has been alleged that present applicant forcefully entered the house of the prosecutrix with an intention to outrage her modesty. Based on this, offence was registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the allegation levelled against the applicant is not based on true facts and the alleged offence has been triable by the Judicial Magistrate First Class, therefore, the present applicant may be granted anticipatory bail.

4. On the other hand, counsel for the State however opposes the application for anticipatory bail.
5. Complainant is also present in person and raised her objection stating that when the applicant entered her house, she raised her voice, upon hearing her noise, her maid namely Ram Pyari came there and seeing her, the applicant fled away from the spot.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, nature and gravity of offence in question on a transgender person, at this stage, I am not inclined to release him on anticipatory bail.
7. Accordingly, his anticipatory bail application filed under Section 438 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi