

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 1 of 2021

- Basant Sahu S/o Shri Ramaram Sahu Aged About 53 Years R/o Village Malgaon, Tehsil And District Kanker, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station, City Kotwali, Kanker, District Kanker, Chhattisgarh

---- Respondent

For Applicant
For Respondent /State

Mr. Shishir Dixit, Advocate
Ms. Akshara Amit, Panel Lawyer

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

2/3/2021

1. Heard.
2. This is the second application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.205/2020 registered at Police Station City Kotwali, Kanker, District Kanker (CG) for the offence punishable under Sections 354 and 354A of the IPC.
3. At the relevant time, the applicant was working as Manager of Aadim Jati Sewa Sahkari Samiti Maryadit, Pidhapal, Kanker. The prosecutrix was working as Computer Operator in the said Society for last 14 years. In the written complaint before the Collector, Kanker on 11.6.2020 and thereafter, in the written FIR

before the concerned Police on 21.7.2020, the prosecutrix alleges that during working hours, the applicant has outraged her modesty by touching her hands and shoulders. He was also involved in talking indecently to her. Apart from these allegations, she has also alleged that she was not assigned any work and was kept idle in the office and was eventually, removed from the job. She further alleges that she was not assigned any work of paddy purchase and that the applicant was not properly stocking the paddy and purchasing more than the limit fixed for paddy procurement and that she was also scolded in front of the Collector. She also alleges that a sum of Rs.5000/- was withdrawn from her account without her consent. The complainant was enquired by the concerned Collector, wherein, no comments were made on the allegation pertaining to molestation but the other part of the allegations were not found true.

4. Learned counsel for the State would oppose the prayer for grant of bail. She would submit that independent witness Brahmraj supports the case of the prosecution. She reads the statement of independent witness Brahmraj.
5. Independent witness Brahmraj has not spoken anything in so far as the allegation of outraging the modesty is concerned. He talks generally about the behaviour of the applicant.
6. It seems the applicant and the prosecutrix were working in the same Society for last about 14 years but was removed from the job during the lock-down period. Therefore, the possibility of

exaggerating the allegations or her service dispute turning into allegation of molestation cannot be ruled out.

7. Considering that the applicant is a public servant and in the event of his arrest, he may suffer adversely and for the fact that in the earlier bail application filed directly before this Court, the applicant was allowed interim bail, which he has not misused, I am inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) he shall make himself available for interrogation by a Police Officer as and when required;
- (ii) 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

