

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 450 of 2015

Bhavesh Sinha S/O Naval Kishor Sinha Aged About 37 years Caste Kalar, R/O House No. C/5, Rajya Van Anusandhan Parisar, Forest Colony, Baroda, P.S. Vidhansabha, Raipur, Tahsil Raipur Civil & Revenue District Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Special Police Station Rajpur, District Raipur Chhattisgarh

---- Respondent

For Applicant	-	Shri Nishi Kant Sinha, Advocate
For Respondent /State	-	Ms. Shubha Shrivastava, Panel Lawyer
For Respondent No.		
For Respondent No.		

Order On Board

02/07/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No. 03/2015 registered by Police Station-Ajak, Police Station Kalibadi, District-Raipur for alleged commission of offences under Sections 456, 294, 506 read with 34 of IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that the applicant entered the house of the complainant and there he abused, assaulted and also used filthy and caste language.
3. Learned counsel for the applicant submits that present is a case of false implication of the applicant. The applicant, in his capacity as Forest Range Officer, had issued notice to the complainant in respect of certain irregularities and misconduct as per the direction of higher officer. The notice was issued by the applicant to the complainant on 2.12.2014 followed by another reminder notice dated 12.01.2015. The complainant submitted his reply on 14.01.2015 stating that he has made payments against the purchase made and no irregularities has been committed. In order to exert pressure on the applicant to withdraw the enquiry against him, the complainant has filed written report on 15.01.2015 which was enquired into and no case was found and

thereafter, FIR was lodged on 9.03.2015. He submits that the applicant is a Govt. servant.

4. On the other hand, learned counsel for the State opposes the prayer and submits that the complainant and other witnesses present in the house of the complainant and neighbours, have stated that the applicant abused, assaulted and used caste language to insult the complainant.

5. Taking into consideration the case of the prosecution, particularly taking into consideration the background that the applicant had issued a notice to the complainant and sought his reply with regard to financial irregularities and that no specific injury has been reported, I am of the opinion that the bar under Section 18 of the SC & ST Act would not come in the way and the applicant cannot be denied of protection of anticipatory bail in view of the judgment in the cases of **Satyaprakash Vs. State of C.G. {2004(1) C.G.L.J.162}** & **Abdul Abbas Vs. State of C.G. {2005(2) C.G.L.J. 235}** and further taking into consideration that co-accused M.R. Sahu granted anticipatory bail by this Court in M.Cr.C.(A) No.241 of 2015.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs. 20,000/- with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) that the applicant shall make himself available for interrogation by a Police 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 them from disclosing such facts to the Court or to any Police Officer.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

JUDGE

Rekha