

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 888 of 2015

Somesh Patel S/o Shri Swaminath Patel, Aged About 24 Years Occupation- Reporter, R/o Harrapara, Baikunthpur, Police Station- Baikunthpur, Civil And Revenue District- Koriya, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station- Patna, Civil & Revenue District- Koriya, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vaibhav Goverdhan, Advocate
For Respondent/State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

11/09/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No 123/2015, registered in the Police Station-Patna, Civil & Revenue District -Koriya, for alleged commission of offence under Sections 384, 294, 506 & 448 read with Section 34 of the IPC and Section 3 (1) (ix) and 3 (1) (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "*the Act of 1989*").
2. Case of the prosecution, in brief, is that the applicant, a Journalist entered the school premises and in the classroom, compelled the teacher to write objectionable words on the blackboard. The video of this writing was recorded and thereafter flashed in the print and electronic media.
3. Learned counsel for the applicant submits that the report has been lodged against the applicant, who is a Journalist, only as a face saving exercise to protract against public condemnation. It is highly improbable that the applicant would enter a running classroom to pressurize the teacher and that a teacher would act on the pressure to write objectionable words on the blackboard. Falsity of the allegation exposed from the fact that no report was lodged anywhere and only after the news and video was flashed in the print and electronic media that on the next date the story stated in the FIR was cooked-up.
4. On the other hand, learned counsel for the State submits that according to complainant, who is a teacher in the Govt. School, the applicant along with cameraman came inside the classroom and there teacher was compelled and pressurized to write objectionable

words on the blackboard which was video recorded and on that day in the evening, applicant demanded Rs.5,000/-, failing which video would be exposed. During inquiry by the District Education Officer, number of students and their parents have also stated that the applicant had entered the classroom and pressurized the teacher to write objectionable words on the blackboard. Therefore, a prima facie case made out and as the teacher belong to scheduled tribe category, in view of the bar created under Section 18 of the Act of 1989, the applicant is not entitled to grant of anticipatory bail.

5. Prima facie, the material on record shows that the video clipping was flashed on print and electronic media on 12.7.2015. It was only on the next date that the report has been lodged in the police station. There is considerable force in the submission of learned counsel for the applicant that the allegations are highly improbable that the applicant, a Journalist, along with cameraman would enter classroom, administer threat and pressurize the teacher in presence of all to write those words which are highly objectionable and highly unexpected of a teacher and that too by saying that it has to be shown to the Collector. It is submitted that the complainant is exercising influence on the students to get a support to this unbelievable story.
6. In view of the above considerations, possibility of false implication of the applicant for having exposed what was being taught in the school by the complainant cannot be ruled out. Therefore, the bar under Section 18 would not be attracted and the applicant cannot be denied protection of anticipatory bail in view of the judgments 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}**.
7. The application is therefore allowed. It is directed that in the event of arrest of the applicant in connection with the alleged offence, he shall be released on bail by the arresting officer on his executing a personal bond in the sum of Rs.20,000/- with one surety for the like amount to the satisfaction of the arresting officer with following further conditions that:
 - (i) the applicant shall make himself available for interrogation by a police officer as and when required;
 - (ii) 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 from disclosing such facts to the Court or to any police officer.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge