

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1089 of 2015

Nilamber Prasad Patel, son of Late Shri Chandan Singh Patel, aged about 63 years, Occupation Service, Deputy Director, Social Welfare department, Raigarh (Contract), R/o Kelo Vihar Colony, Raigarh, Tahsil & District Raigarh, Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh through the Station House Officer, Police Station Chakradhar Nagar, Raigarh, Chhattisgarh --- **Respondent**

For the applicant	:	Mr. B. D. Guru, Advocate.
For the Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.11.2015

1. Apprehending arrest in connection with Crime No.323 of 2015 registered at Police Station Chakradhar Nagar, Raigarh, Distt. Raigarh (C.G) for the offences punishable under Sections 354(2)(3) and 509 of the Indian Penal Code, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, the complainant who is working as Panchayat and Social Organiser, Janpad Panchayat, Kharsiya, lodged a complaint before the Police station alleging that the present applicant who is working as Deputy Director in the Department of Social Welfare tried to outrage her modesty. It is stated that the complainant is subordinate employee of the applicant; therefore, the case is registered.
3. Learned counsel for the applicant submits that various complaints having been received against the complainant for misappropriation of old age pension, he forwarded the same to the Secretary and thereafter by letter dated 27.08.2015 which is placed on record, the Additional Director issued an order to commence enquiry against the

delinquent person and the copy of the said letter was forwarded to applicant being Deputy Director to take necessary action. Subsequently on 21.09.2015 a letter was issued by the applicant to the complainants who complained about the misappropriation of old age pension whereby it was informed that the complaints filed by them will be enquired into on 25.09.2015 therefore they were asked to remain present at the time of enquiry on 25.09.2015 and thereafter, a report was submitted. He, therefore, submits that in order to dislodge the enquiry, these tactics have been adopted by the delinquent/complainant.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have perused the case diary and other documents. It appears that a written complaint was made by the victim against the applicant and pursuant thereto, on the direction of the Collector the matter was enquired by a committee of 4 persons who have submitted the report. Taking into such report which is available in case diary, I am of the opinion that it is not a case to hold that no prima facie case is made out against the applicant.
6. Accordingly, this anticipatory bail application is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE