

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C(A) No. 1175 of 2015**

Umesh Kumar Chikanjuri S/o. Main Prasad Chikanjuri, aged about 22 years, Caste- Panika, Occupation- Business, Resident of Village Fulpur, Police Station Churcha, Tahsil- Baikunthpur, District Korea (C.G.)

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Patna, District Korea (C.G.)

---- Respondent

For Applicant	:-	Shri Anil Gulati, Advocate.
For Respondent/State	:-	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board**

27/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 123/2015, registered at Police Station- Patna, District- Korea (C.G.) for offence punishable under Section 384,294,506,445 read with section 34 of IPC and section 3(1)(9), 3(1)(10) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act) 1989.

2. Case of the prosecution, is that the applicant , a Journalist entered to school premises and in the classroom, compelled the teacher to write objectionable words on the backboard. 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 alongwith 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, the 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 12.07.2015. it was only on the next date that the report has been lodged in the police station. There is considerable force in the submission on 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. Having regard to the fact that the 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 that the applicant cannot be denied 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}** and **Abdul Abbas Vs. State of C.G. {2005(2) C.G.L.J. 235}**, I am inclined to enlarge the applicant on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating 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 him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

Santosh