

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 644 of 2015

Smt. Achla D. Sapre Aged About 54 Years Incharge Senior Section, Rajkumar College, Raipur, Chhattisgarh, R/o 8-A, Neera Extension Parthvi Nagar Tantibandh, Police Station Aamanaka, District Raipur, Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through: Station House Officer, Police Station Azad Chowk Raipur, District- Raipur, Chhattisgarh
2. Asha Rajput (Mahilkar) W/o Shri Aakash Rajput Aged About 40 Years R/o Rajkumar College Campus, Raipur, Chhattisgarh

---- Respondents

Shri Kishore Bhaduri, counsel for the applicant/s.
Shri Vinod Tekam, Panel Lawyer for the State.
Shri Ankit Singhal, counsel for the complainant/ respondent No.2.

Order On Board

13/10/2015

Heard.

The applicant is apprehending her arrest in connection with Crime no.17/2014, registered at police station – Azad Chowk, Raipur, District – Raipur (CG) for alleged commission of offence under Section 3 (1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (In short “the Act of 1989”).

2. Case of the complainant is that the applicant, who was working as Head Mistress, abused and used filthy language in the office against the complainant and thereby insulted and intimidated her in a place within the public view.

3. Learned counsel for the applicant submits that the genesis of dispute between the parties is because of the applicant taking action for unfair means against the daughter of the complainant. It is submitted that on 21/01/14, the applicant was manhandled and abused by the complainant and her husband in connection with which, the applicant lodged report in the police station in Azaad Chowk, Raipur. It is further submitted that in so far as the complaint of the applicant is concerned, police

making enquiry submitted report before the Magistrate that during enquiry, no one stated regarding any act of applicant committing offence under the Act of 1989. In that view of the matter, as the applicant is the Head Mistress, she may be granted anticipatory bail.

4. On the other hand, learned counsel for the complainant opposes the bail application and submits that in view of bar created under Section 18 of the Act of 1989, the application for anticipatory bail is not maintainable. He submits that merely because the applicant is making allegations against the complainant by lodging separate report, it cannot be said that prima facie case is not made out. It is submitted that the Magistrate, after recording preliminary statement of the complainant and other witnesses found that a case of registration is made out.

5. It is found that the applicant is the Head Mistress and respondent no.2 is working as Assistant Librarian in the same educational institution. The quarrel between the applicant and the complainant is alleged to have taken place in the office of the applicant on 21/01/14. It is also found that not only the applicant but the complainant both have lodged report against each other on the same date, though in different police stations.

6. Considering the aforesaid aspects of the matter, in my view, bar under Section 18 of the Act of 1989 would not come in the way so as to deny anticipatory bail to the applicant, in view of the orders passed by this Court in **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. Accordingly, the application is allowed. The applicant shall appear before the Magistrate within a period of 30 days from today and upon such appearance, the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the concerned Magistrate and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make herself 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 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) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge

Deepti