

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 895 of 2015

Krishna Prasad Jaiswal S/o Late Ramjatan Jaiswal Aged About 48 Years Caste - Kalar, R/o Village Kolhua, P. S. Chandni, Tahsil Odgi, District - Surajpur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Chandni, Tahsil Odgi, District - Surajpur (Chhattisgarh).

---- Respondent

Shri Sushil Dubey, counsel for the applicant/s.
Shri Ashok Swarnakar, Panel Lawyer for the State.

Order On Board

23/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.28/15 registered at police station-Odgi, District – Surajpur (CG) for alleged commission of offence under Section 341, 354(A), 506 IPC and Section 3 (1) (xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (In short “the Act of 1989”).

2. Case of the prosecution is that the applicant caught hold of the hands of the prosecutrix and made indecent proposal and thereby outraged her modesty.

3. Learned counsel for the applicant submits that present is a case of false implication. The applicant, in his capacity as Panch, has made complaint against the complainant - Ranmatiya Bai and one Bind Sarovar, both Aanganbadi workers that they are not working in their centers and the centers remain closed. These reports were already made and pursued by the applicant. It is submitted that the applicant, on more than one occasion, expressed his apprehension that because of this, the complainant may implicate him in any false case. Later on, the applicant came to know that the aforesaid offence has been registered against him on the allegation of Ranmatiya Bai. He submits that the date of offence is

stated to be 29/07/2015 but the report was lodged after six days of the incident, which also renders highly improbable the veracity of the complaint and smacks off false implication. It is submitted that the residents and other Anganbadi workers stated on affidavit in favour of the applicant.

4. On the other hand, learned State counsel opposes the bail application and submits that the prosecutrix in her statement clearly stated that when she was proceeding from Aanganbadi center to her house, the applicant intercepted, caught hold of her hand and made indecent proposal and attempted to take her towards forest area and this incident was narrated by the complainant to other Anganbadi workers.

5. The report shows that much before the report, the applicant had made serious complaints against Ranmatiya Bai, the complainant and one Bind Sarovar who were working as Aanganbadi workers. The complaints were made by the applicant to District Women Child Development Officer on 10/12/14. Thereafter, an inspection was carried out in the Aanganbadi on 25/07/15 and a panchanama of absence of Ranmatiya was prepared on 25/07/15 signed by Up-Sarpanch, Panchayat teacher and other residents of the area. A complaint was also made to the Secretary, Legal Services Authority, Surajpur on 26/07/2015 against the complainant that she is not working in the Aanganbadi Center and the Aaganbadi Center is kept closed, in respect of which, a panchanama has been prepared and requested for action. The allegation in the present case has been made with regard to an incident which is alleged to have happened after four days of the aforesaid proceeding on 29/07/2015 but the FIR has been lodged after six days i.e. on 04/08/15. Though the allegation is that the applicant attempted to outrage the modesty of the complainant on 29/07/15, the only witness to support the allegation is another Aanganbadi worker - Bind Sarovar. It is pertinent to mention hear that the applicant had been making complaints against Bind Sarovar also that she and Ranmatiya are not working in their respective centers and their centers remain closed and recommended action to be taken against them.

6. In view of the extra ordinary circumstances, strong probability of false implication of the applicant cannot be ruled out particularly considering that there is delay of six days in lodging FIR though the complainant is a mature lady. Therefore, bar under Section 18 of the Act of 1989 would not come in the way of grant of anticipatory bail in view of the judgment of this Court in the case 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. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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.

Manindra Mohan Shrivastava
Judge