

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 689 of 2016

1. Vivek Tripathi, S/o. Sheetal Prasad Tripathi, aged about 48 years, R/o. H.D.D. 32, Vidhayak Colony, Maulshri Vihar, New Puraina, Post Krishak Nagar, P.S. - Telibandha, Raipur, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : District Magistrate, Raipur, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. Adil Minhaj, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/08/2016

1. Apprehending arrest in connection with Complaint Case No.453/2011, pending before the Court of Judicial Magistrate First Class, Raipur, District – Raipur (C.G.), for offence punishable under Section 294, 506B of I.P.C. and Section 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a complaint was filed by Kallu Baghel, who was working as daily wager employee in the Indira Gandhi Agriculture University, Raipur alleging that the applicant has abused him in the name of caste and also extended threat.
3. Learned counsel for the applicant would submit that initially the said complainant since has breathed his last, therefore, he has not made as a party. It is further submitted that on 09.03.2000 after the complainant was terminated from his services, the union Naimitiyik

Karmachari Kalyan Sangh and its office bearers entered into the room of Vice Chancellor of Indira Gandhi Agriculture University, Raipur and assaulted the applicant for which a report was made and the complainant and other accused persons were arrested, which would be evident from the document filed as Annexure A/6. Subsequently, a report was made by the complainant to blackmail the applicant, which was enquired by the Chancellor and no offence was found to be committed and the Registrar also independently carried out the enquiry and found no offence has been committed. Subsequently, the complaint was filed by the complainant and this false allegations have been levelled. It is further submitted that the applicant do not know the caste of the complainant, therefore, the *means-rea* was absent and the bar of Section 18 of S.C. & S.T. (Prevention of Atrocities) Act would not be applicable. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of anticipatory bail.
5. Perused the documents filed along with the bail application. The complaint was filed by Kallu Baghel, the complainant, which appears to be filed on 30.06.2000. Further considering the documents filed along with the petition, which shows that there is detailed enquiry was carried out by the Chancellor, wherein no offence was said to have been committed. The case is registered on the complaint filed by the complainant. Taking into the fact the totality of the case, it appears that means-rea in this case is completely absent and the reason of dispute was since the complainant was dismissed from his services and he was also arrested since have abused and assaulted the applicant and other employees. Taking into such totality, this Court is inclined to extend

the benefit of anticipatory bail to the applicant as the custodial interrogation of this applicant may not be required.

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 on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court.

The applicant shall also abide by the following conditions :

- (i) that the applicants 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;
- (ii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iii) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge