

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 808 of 2016

1. Sunil Tiwari, S/o. Shri Ravi Shankar Tiwari, aged about 44 years, Presently posted as In-charge Head Master Upper Division Teacher and Cluster Coordinator Pangaon, R/o. Gandhi Chowk, Thana and Tehsil Baloda Bazar, District – Baloda Bazar - Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. - City Kotwali, Baloda Bazar, District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicant	: Mr. Amrito Das, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/08/2016

1. Apprehending arrest in connection with Crime No.108/2016 registered at Police Station- City Kotwali, Baloda Bazar, District – Baloda Bazar – Bhatapara (C.G.), for offence punishable under Section 509 of I.P.C. and Section 3 (1) B (2), 3(2) (V-a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant has preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that a report was made by one Manisha Diwan on 12.02.2016 alleging that the present applicant, who is the Cluster Coordinator, inspected the school on 07.10.2015 and thereafter directed not to bring the child in the class. Though the casual leave was available yet it was denied, as such she was

subjected to torture in the working place being the member of scheduled caste, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the complainant, Manisha Diwan was a teacher, who manipulated her earlier absents in absence of head master and absence was marked to be present for which the head master has made a report to the higher officers and the Block Education Officer was also informed and the applicant, who is the Cluster Coordinator inspected the school and found the same to be correct and the report was submitted to the higher officers as such in order to avoid the same, the false allegations have been levelled. It is further submitted that Block Education Officer has also held the enquiry and found that complainant and other teachers have manipulated the attendance register, therefore, false allegations have been attributed against the applicant. Therefore, it is prayed that the applicant may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra, learned State counsel opposes the application for grant of bail.
5. I have heard the learned counsel for the parties.
6. Perused the case diary, documents and the FIR. The FIR do not contain the fact that the complainant was subjected to atrocities instead complains are of some working conditions in the school. Considering the FIR, no allegation of atrocities have been attributed against the applicant and it appears that the report is offshoot of official inspection. Taking into the totality and the facts and circumstances of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as custodial interrogation of the applicant in this case may not be required.

7. 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 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) that 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