

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1057 of 2016**

- Shailendra Kumar Dixit S/o Lalji Dixit Aged About 55 Years Occupation - Service (Teacher) At Govt. Boys Middle School, Chakarbhata, Nagar Panchayat, Bodri, District Bilaspur Chhattisgarh R/o Ward No. 09, Bhatapara District Balodabazar Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station - Chakarbhata, District Bilaspur Chhattisgarh

---- **Respondent**

 For Applicant : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****16-12-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 310 of 2016 registered at Police Station Chakarbhata, District Bilaspur (CG) for offence punishable under Sections 294, 506, 186, 353 of IPC.
2. As per case of the prosecution, one Hemant Upadhyay, who is District Education Officer went to inspect to Government Middle School, Chakarbhata, wherein while inspection the applicant who is also Government Middle School Teacher misbehaved with him, abused and tried to assault him for which a report was made that the applicant obstructed him while discharging official duty and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant who is a Teacher in fact earlier to the incident had complained to the Principal and others for better management of the middle school which is evident as per Annexure A/2 and when the District Education Officer came for inspection the same was apprised. However, the District Education Officer being agitated tried to slap the present applicant and instead in order to cover up his deeds has registered the first information report. It is not a case that the applicant went to the office of the complainant and misbehaved, abused him and obstructed his official duties. He would further submit that false allegations have been attributed to the applicant and the applicant is a Government Teacher, therefore, the applicant may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. There are two sets of evidence on the statements of Teachers of Upper School and Middle School. Few of the statements of the lady teachers of the Middle School are also part of record wherein no allegations are attributed to the applicant. Those statements show that the allegations have been attributed to the complainant
7. Taking into totality of the facts and circumstances of the case, nature of allegations leveled against the applicant, considering the back-ground of the case and also further considering the fact that the applicant is a Government Middle School Teacher, I am inclined to extend the benefit of anticipatory bail to the applicant.
8. 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 his executing a personal bond in the 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju