

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 333 of 2017**

1. Sunil Sahu S/o Shri Chairram Sahu Aged About 31 Years Occupation R.T.I. & Divyang Jan Karyakarta, Resident Of Ward No. 24 Byapass Road Kawardha, District Kabirdham, Chhattisgarh. Native Place Village Gorakhpur Kala, Thana Pipariya, Tahsil Sahaspur Lohara, District Kabirdham, Chhattisgarh. Kabirdham, Chhattisgarh.
2. Rupesh Chandrawanshi S/o Shri Chatur Chandrawanshi Aged About 28 Years Occupation Journalist & R.T.I. Activistst, Resident Of Village Mohtara Thana Pandatarai, District Kabirdham, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Kabirdham, District Kabirdham, Chhattisgarh.

---- Non-applicant

For Applicants:	Mr. Ashok Verma, Advocate
For State:	Mr. Ashok Swarnkar, Panel Lawyer
For Objector:	Mr. Dharmesh Shrivastava, Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****10.05.2017**

1. Apprehending arrest in connection with Crime 70/2017 registered at Police Station- Kawardha, District Kabirdham (C.G.), for offence punishable under Sections 354(K), 354(D), 384, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. Case of the prosecution against the present Applicants is that with an intention of blackmailing the complainant Hom Bai in respect of the employment which the victim has got in the Rajiv Gandhi Siksha Mission by playing fraud, they were harassing the complainant. It is said that the complainant was employed in the year 2012. This fact was known to the present Applicants when they obtained

information under Right to Information Act and also based on the said information so collected the present Applicants have been misusing the information and trying to blackmail her and were also trying to get physical favours from her.

3. Learned Counsel for the Applicants submits that it is the case where the appointment was made on in 2012 and on more than a couple of occasion the employment of the said victim got terminated at the behest of the present Applicants but by some means the victim again got employment. The present Applicants have been making sincere efforts to highlight the corruption in the department of Rajiv Gandhi Siksha Mission in respect of the illegal employment being given in the said department. According to the Counsel for the Applicants since the Applicants are R.T.I. activists, the victim has filed the present false complaint against them so that they could not further try to chase her in respect of the employment she has got.
4. Having considered the contention put forth on either side and on perusal of the record, on a specific query being put to the State Counsel as to whether there is any allegation prior to 17.03.2017 against the present Applicants. He submits that there does not seem to be any such material in the case diary. It is also reflected in the case diary that the complainant makes submission that the present Applicants had been harassing the victim in similar way in the year 2014 and 2015, even after that there is no report lodged, itself creates great element of doubt in the mind of the Court.
5. For the aforesaid reasons, this Court is inclined to extend the benefit of anticipatory bail to the Applicants.
6. Accordingly, the MCRCA is allowed.
7. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail

by the officer arresting them on executing a personal bond in sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make himself available for interrogation before the investigating officer as and when required;
- (ii) 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;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) 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.

8. Certified copy as per rules.

Sd/-

(P. Sam Koshy)
JUDGE