

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1068 of 2016**

- Dr. Ashish Kumar Vishwas S/o Dr. Supdo Vishwas, Aged About 29 Years Occupation Doctor (B.A.M.S.) Kapu, R/o Tahsil & Police Station Kapu, District Raigarh, Chhattisgarh.

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

- State of Chhattisgarh Through Station House Officer of The Police Station Kapu, District Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent/State	:	Mr. U.K.S. Chandel, Panel Lawyer.
For Objector	:	Mr. S. Bharadwaj, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****05-01-2017**

1. Apprehending arrest in connection with Crime No. 79 of 2016, registered at Police Station Kapu, District Raigarh (CG), for the offence punishable under Sections 420, 506 (B) of the IPC and Section 3 (1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act, 1989"), the applicant has preferred the application under Section 438 of the Cr.P.C, for grant of anticipatory bail.
2. As per case of the prosecution, a report was made by the complainant Jereideena Toppo that LIC Policy No.35811096 of Rs.4,00,000/- which was in the name of her husband matured and the amount was credited to her account. The applicant who was also known to the complainant asked her to give a cheque so as to pay the amount to officers. Consequently, a cheque was given to the applicant whereby the applicant withdrew the amount of

Rs.2,80,000/- from the account of the complainant and thereafter when the complainant asked the applicant to re-pay the money, he abused her in the name of her caste and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that the applicant was the neighbour to the complainant and initially as per copy of the account, certain amount of Rs.99,960/- and further due of installment of Rs.20,000/- were made to continue the LIC policy of the complainant by the applicant and on maturity the amount which was loaned was asked back and a cheque was given to the applicant by the complainant which was encashed. He would further submit that monetary transaction was in between the parties and as such there was no intention to humiliate, insult and intimidate the complainant, therefore, no offence has been committed. He would further submit that false allegations have been attributed to the present applicant, therefore, he may be extended the benefit of anticipatory bail.
4. On the other hand, learned State counsel as well as counsel for the objector oppose the prayer for grant of anticipatory bail.
5. On a query being asked as to whether the amount was given by the present applicant to the complainant as per the account, the same is not denied. However, it is stated that Rs.2,80,000/- was withdrawn by the applicant.
6. I have heard learned counsel for the parties, perused the case diary, other documents and bank account. It appears that certain amount was given to the complainant by the applicant.
7. Considering the nature and back-ground of this case, it appears that over a monetary transaction between the parties, a report was

made and the bar enacted under Section 18 of the Act, 1989 would not come into play.

8. Taking into consideration all facts and circumstances of the case and further considering the back ground of this case, I am inclined to extend benefit of anticipatory bail to the applicant.
9. 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju