

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 33 of 2018

- Mangal Bhawan Pratap Singh Kanwar Son Of Shri Lalman Singh Kanwar, Aged About 32 Years R/o House No. 112, Shantinagar, Amakhokhara, Police Station Katghora, Civil And Revenue District Korba, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. S. T. And S. C. Korba, Civil And Revenue District Korba, Chhattisgarh., Chhattisgarh

---- Respondent

And

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---- Respondent

For Applicant	:	Mr. Ashutosh Shukla, Advocate.
For Respondent/State	:	Mr. Anant Bajpai and Mr. V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/04/2018

1. As applicant in both the cases are same, hence, both these applications are being disposed of by this common order.

2. Applicant in both the cases has preferred these applications for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.242/2017 in MCRC No.33/2018 and Crime No.241/2017 in MCRC No.34/2018 registered at Police Station-SC/ST Korba, District – Korba(C.G.), for the offence punishable under Sections 354-A & 34 of Indian Penal Code (for short 'IPC'), Section 10 of the Prevention of Children from Sexual Offences Act, 2012 and Sections 3(1) (b), 3 (2) (v-a) of the Scheduled Castes and Scheduled Tribes Act, 1989 (for short 'the Act, 1989')
3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in these cases. It is submitted that applicant himself is a member of Scheduled Tribe community, hence, the offence under the provisions of the Act, 1989 Act shall not be applicable against him. It is submitted that no case is made out against this applicant. Main accused namely Yagya Kumar Dixena has been granted regular bail by the co-ordinate Bench of this Court. The allegation against this applicant is not of such a nature so as to make out a case of outraging the modesty of any of the victims in these cases, hence, he may be granted anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that the victims of both the cases in their statements recorded by the police and also in their statements recorded under Section 164 of CrPC have clearly deposed against this applicant, hence, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution, charge-sheet has already been filed. A

complaint was made by victim in Crime No.241/2017 stating that one of the teachers namely Yagya Kumar Dixena used to physically touch the victims in both cases and on various occasions he outraged their modesty. The allegation against this applicant is this that he used to stare at the victim and also used to punish her on various occasions. After the complaint was made by the victim to the school authorities, she was also threatened by this applicant. Hence, this case.

7. The prosecution story in Crime No.242/2017 is also similar and only the victim is different.
8. Considered the entire material present in the case diary. The allegation against this applicant is not similar to that of main accused Yagya Kumar Dixena who has already been enlarged on regular bail. Hence, I am of this opinion that this applicant deserves to be granted anticipatory bail in both the cases.
9. Accordingly, the anticipatory bail applications of applicant is allowed and it is directed that in the event of his arrest in connection with the above crime numbers, 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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha