

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.A No. 483 of 2017

- Dr. Smt. Kamini Rai W/o Kundan Kumar Rai, Aged About 33 Years Occupation B. M. O. Community Health Centre, Ramanujganj, Presently B. M.O. Community Health Centre, Ramanujganj, Police Station Ramanujganj District Balrampur - Ramanujganj Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Incharge, Police Chowki, Wadrafnagar, Police Station Basantpur, District Balrampur -
- Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. C. Jayant. K. Rao.
Advocate

For Respondent/State : Mr. Ashok Swarnakar, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05.02.2018

1. Apprehending arrest in connection with Crime No.10/2017 registered at Police Station- Basantpur, District – Balrampur- Ramanujganj, Chhattisgarh, for offence punishable under Section 323, 506, of the Indian Penal Code and Sections 3 (1) (iv) and 3 (1) (VII) of the Scheduled Castes and Scheduled Tribes, (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case by the complainant-

(Ku. Pramila Paikra) making misuse of her caste status. On the date of incident the hospital premises in which the applicant is a Block Medical Officer, (B.M.O), was not found clean during the inspection made by the Collector, because of which the applicant simply talked to the complainant and others to maintain the cleanliness and no other words used by her. The present applicant is a public servant, and she is ready to abide by all the conditions which may be imposed upon while granting anticipatory bail to the applicant, hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Learned counsel for the State opposes the bail application and the submits that the complainant in this case has made clear allegations about the commission of offence, which is registered against this applicant, hence, she is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused all the documents placed on record.
5. On the date of incident the hospital premises of C.H.C, Wadrafnagar, was inspected by the Collector, in which cleanliness was not found in the hospital. Complainant - (Ku. Pramila Paikra) and (Meenu Singh) were employed on contract basis for the purpose of maintaining the hospital. The applicant in the capacity of the authority spoke to both of them to maintain the cleanliness or leave the job, and also stated that the complainant - (Ku. Pramila Paikra) being a member of Scheduled Caste, she will not be excused for that.

After lodging FIR the case has been investigated and the trial is still pending.

6. Considered on the submission and contents of the case diary, as there were no such abusive words used, while reprimanding the complainant and others reflecting any insult to caste status of the complainant, hence, I am the opinion that Bar under Section 18 of the Scheduled Castes and Scheduled Tribes Act, shall not be applicable. Looking to the facts and circumstance of this case, this Court is of the opinion that this is a fit case, where the applicant deserves to be benefited with grant of anticipatory bail.
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 offences, she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Sd /-

(Rajendra Chandra Singh Samant)

Judge