

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC (A) No. 103 of 2018

- Raju @ Bhuneshwar Mahraj, S/o Late Narayan Prasad Sharma, aged about 38 years, R/o Baima Nagoi, Police Station – Sarkanda, Tahsil & District – Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station – Koni, District – Bilaspur (C.G.)

---- Non-Applicant

and

MCRC (A) No. 104 of 2018

- Chhedan, S/o Bhagbali, aged about 57 years, Peon at Govt. Higher Secondary School, Koni, R/o Baima Nagoi, Police Station – Sarkanda, Tahsil & District – Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station – Koni, District – Bilaspur (C.G.)

---- Non-Applicant

For Applicant	:	Shri Dharmesh Shrivastava, Advocate
For Non-Applicant/State	:	Shri Syed Majid Ali, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order on Board

20.04.2018

Heard.

1. The Applicants are apprehending their arrest in connection with Crime No.381/2017 registered at Police Station – Koni, District – Bilaspur (CG) for alleged commission of offences under 354, 354A, 294, 323, 506, 34 of the Indian Penal Code.
2. Case of the complainant is that while the complainant was posted and working as sweeper in the school, the other employees in the school including the Applicants and two other co-accused Geeta Panchal, clerk and Satrugan, teacher, they all have harassed her and also assaulted. The allegation against the present Applicants is that the present Applicants assaulted the prosecutrix with intent to outrage her modesty.

3. Learned counsel for the Applicants would submit that the Applicants are being involved on a completely fabricated case. He would submit that the complainant was not working properly in the school and time and again warnings were issued to her, but when she did not improve, the *Shala Samiti* held its meeting and decided to terminate the services of the complainant. Thereafter, the services of the complainant were terminated and after his services were terminated, she started quarreling with all the staffs in the school and also assaulted them. When it was decided by the school authority to take appropriate criminal action against the complainant, the complainant then lodged report in the police station, which was duly inquired and no case was made out. Thereafter, the complainant filed an application under 156(3) of the Cr.P.C. before the Magistrate. The Magistrate called for report from the police and the police held an inquiry, recorded the statements of all the staff of the school and other persons connected therewith including family members of the complainant and found that the complainant was making exaggerated allegations. Even thereafter, the learned Magistrate has mechanically taken the cognizance of the offence against the Applicants who are working as peon in the school and infact they have raised the grievance that they were assaulted by the prosecutrix.
4. On the other hand, learned State counsel opposes and submits that at present looking to the fact that after receipt of the report from the police, the magistrate has registered offences, a *prima-facie* case is made out against the applicants.
5. I have gone through the case diary. It, *prima-facie*, shows that against the complainant disciplinary action was taken by the school because she was not properly working in the institution and her services were also terminated on 22.04.2017. When a report was made, the matter was inquired into and no material was found. In the inquiry conducted by the police officer under the directions of the Magistrate upon filing of an application under Section

156(3) Cr.P.C., the statements which have been recorded do not *prima-facie* support the case of the prosecution and school staff, whose statements have been recorded, have stated that the prosecutrix had entered into quarrel with school staff after her services were terminated. It is also to be noted that other two co-accused have already been granted anticipatory bail.

6. Taken into consideration the aforesaid material and circumstances, in my opinion it is a fit case to grant anticipatory bail.
7. Accordingly, this application is allowed. It is directed that in the event of arrest of the Applicants in connection with the aforesaid offence, they shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- along with one local surety each for the like amount to the satisfaction of the arresting officer and they shall abide by all the following terms and conditions -
 - (i) that the Applicants shall make themselves available for interrogation by the Police Officer as and when required;
 - (ii) that they 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 them 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE