

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 158 of 2018

- Bhagwan Das Kushwaha S/o Shri Hira Lal Kushwaha Aged About 58 Years R/o Qut. No. 17, Prema Bag Colony, Baikunthpur, P. S. Baikunthpur Dist. Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baikunthpur, Dist. Korea Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Advocate.
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

21/06/2018

1. Apprehending arrest in connection with Crime No.114/2017 registered at Police Station- Baikunthpur District – Korea (C.G.), for offence punishable under Sections 294, 354(A) of the Indian Penal Code (for short 'IPC') and Section 3(1)(10) & 3(1)(11) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, (for short 'the Act, 1989') the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant himself has filed a complaint against the complainant and others based on which FIR has

been registered against the complainant and others. Complainant has made totally false allegation against the applicant at the instance of one Sanjay Agrawal. Applicant is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that in the FIR lodged against the applicant there is direct allegation against him about abusing and outraging modesty of the victim and the complainant and also abusing the complainant in the name of her caste. The offence under the provisions of the Act, 1989 has also been registered because of which grant of anticipatory bail is barred under Section 18 of Act, 1989. In these circumstances, the application be rejected.
4. Heard both the parties and perused the case diary.
5. As per the case against this applicant, on 24.3.2017 complainant Neelam Basor and victim Pushpa Ravi came to the official residence of applicant asking help in respect of the ancestral property of the complainant sold out by her brothers. It is alleged that at that time, applicant made a gesture towards Pushpa Ravi and asked her to submit to his wishes. On refusal by the complainant, the applicant caught hold of the hand of the victim and tore her clothes. He also abused the complainant in the name of her caste and thereby insulted her. Evidence was collected for lodging of FIR by the complainant and thereafter application under Section 156(3) of CrPC was filed before the Special Court, Baikunthpur, District-Korea and on the basis of orders passed by the Court on the said application, FIR was lodged against the applicant.

6. Perused the documents filed by the applicant in which the date & time of incident does not appears to be the same i.e. 24.3.2017 at about 1.00 p.m. in the afternoon and on the basis of which offence under Sections 341, 294, 147, 323, 506, 353 & 332 of Indian Penal Code have been registered.
7. On the basis of details of the case against the applicant and the case in which he is complainant, it appears that both the cases are different and it cannot be said that the present complaint is filed as a counter-blast. Contents of the complaint, FIR and statement of the victim make direct allegation against the applicant, therefore, in my opinion, no extraordinary case is made out for grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge