

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 277 of 2018

1. Smt. Chanchala Jaiswal & Anr. W/o Rajesh Gupta Aged About 32 Years , District : Balrampur, Chhattisgarh
2. Rajesh Gupta S/o Late Sudama Prasad Aged About 38 Years R/o Village Barwahi, Police Station Sanawal Tahsil Ramanujganj, District Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

----Applicants

Versus

State Of Chhattisgarh Through Police Station Sanawal, District Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. A. K. Yadav, Advocate.
For Respondent/State	:	Mr. Majid Ali, Dy. GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/05/2018

Heard.

1. Apprehending arrest in connection with Crime No. 04/2018 registered at Police Station- Sanawal, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 186, 294, 506, 353 of IPC & 3 (2) V A, the scheduled castes and the scheduled tribes (Prevention of atrocities) Act 1989.
2. Case of the prosecution is that the applicant abused and threatened the complainant who belongs to Gond Tribe committing offence under Sections 186, 294, 506, 353 of IPC & 3 (2) V A, the scheduled castes and the scheduled tribes (Prevention of atrocities) Act 1989.
3. Learned counsel for the applicant would submit that present case is a clear case of false implication against the applicants by the complainant to over reach the orders passed by this Court in the pending writ petition WPS No. 2405/2016 wherein an interim order was passed in favour of the petitioner

No. 1 who had challenged the order of termination. Learned counsel for the applicants submits that the order of termination was stayed by this Court. The complainant intervened in the matter pending writ petition. He submits that when the petitioner No. 1 sought enforcement and compliance of the interim order passed by this Court, the complainant has made false report and therefore the applicants may be protected by appropriate protective order against such false implication.

4. On the other hand, State counsel opposes bail application and submits that in the report lodged by the complainant there are allegations on the applicant No. 1 and her husband (applicant No. 2) to threat, abuse the complainant also used abusive language, therefore, prima facie case is made out under Section 3 (2) V A, the scheduled castes and the scheduled tribes (Prevention of atrocities) Act 1989.

5. The petitioner No. 1 filed writ petition before this Court registered as WPS No. 2405/2016 challenging the termination order. The petition was admitted and the termination order of petitioner No. 1 was stayed. The interim order continues. In the said writ petition complainant of the present criminal case intervened in opposition of the petitioner in the present criminal case the same intervenor has now come as a complainant against the applicants alleging commission of offence. Therefore the submission of the learned counsel for the applicants that it is a case of false implication cannot be ruled out. More over, as the applicant No. 1 was enjoying interim order, the allegations against the applicant appear to be an attempt to over reach the judicial proceedings by this Court.

6. In that view of the matter and judicial pronouncement in the case of Subhash Kashinath Mahajan Vs. State of Maharashtra & others, AIR 2018 SC 1498, I am inclined to protect the applicants against their arrest. Accordingly, this anticipatory bail application is also allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

(i) that the applicant shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that the applicants 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 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)

J U D G E

Rohit