

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 336 of 2018

1. Rekha Kelwani W/o Kishore Kewlani, aged about 38 years, Caste- Sindhi, R/o School Para, Baikunthpur, District- Korea (C.G.).
2. K.D. Tripathi S/o Laxman Prasad Tripathi, aged about 60 years, caste Bramhan, Occupation Service (Lecturer in Govt. Hr. Sec. School, Jamgahna), R/o Village Mahora, Police Station Patna, Tahsil Baikunthpur, District- Korea (C.G.).

---- Applicants

Versus

State of Chhattisgarh Through- the Station House Officer, Police of Police Station Patna, District- Korea (C.G.).

---- Respondent

For Applicants	:	Mr. T.K. Jha, Advocate
For Respondent	:	Mr. Sameer Behar, PL

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

16/05/2018

1. Heard.
2. The applicants have filed this application for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No.73/2016 registered at Police Station- Patna, District- Korea (C.G.) for the offence punishable under Sections 294, 354, 323, 506(A), 201 & 120 (B) of IPC & Section 3 (1-9) (10) of SC/ST (Prevention of Atrocities) Act, 1989.
3. Case of the prosecution in brief is that complainant- Lalita Banjare is a Lecturer at Govt. Higher Secondary School, Jamgahna. One Rakesh Upadhyay is Principal of the said school and the present applicants are also lecturer in the said school. It is alleged that on 20/02/2015, the

complainant reached the school and she had some dispute with the principal with regard to signing on the attendance register. On this dispute, Rakesh Upadhyay commented on her caste and also abused and assaulted her. It is further alleged that at the time of incident, present applicants were also present on the place of occurrence. One private complaint was filed by the complainant under Section 200 read with 156 (3) of Cr.P.C on 04/04/2016 and on the basis of said complaint, police has registered the offence against the present applicants.

4. Learned counsel appearing on behalf of the applicants submits that as per the complainant itself, the incident was taken on 20/02/2015 and the matter was reported on the same day vide Annexure-P-2 by her, wherein, only allegation was made against the Principal- Rakesh Upadhyay and no names of the present applicants was mentioned in the said report. Thereafter, vide Annexure-P-4, the matter was informed to Commissioner, ST/SC Commission, in which also, the allegation was made only against the Principal Rakesh Upadhyay. He further submits that in a private complaint dated 04/04/2016 also, no specific allegations was made against the present applicants by the complainant, however, inspite of that crime has been registered against the present applicants. He further submits that looking to the facts, no case is made out against the applicants, therefore, the applicants may be extended the benefit of anticipatory bail.
5. On the other hand, learned counsel appearing on behalf of the State has opposed the bail application and admitted the fact that there is no specific allegation against the present applicants in all the reports.
6. Considering the entire facts and circumstances of the case,

particularly, the evidence collected by the prosecution, it is clear that no prima-facie case is made out against the present applicants under ST/SC (Prevention of Atrocities) Act, therefore, I am inclined to extend the benefit of anticipatory bail to the applicants.

7. Accordingly, MCRCA No. 336/2018 is allowed.

8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.10,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:

i. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;

ii. The accused/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. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. 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.

9. Certified copy, as per rules.

Sd/-
Judge
Arvind Singh Chandel

Rahul