

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 762 of 2018

- Shashiprabha Singh W/o Shailendra Singh Aged About 34 Years
R/o Abhilasha Parisar, H. I. G. 1/34a, Behind Hightech Bus Stand,
Tifra, P. S. Sirgitti, Tehsil And District Bilaspur Chhattisgarh, District :
Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Sirgitti, Tehsil And District
Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

&

MCRCA No. 766 of 2018

- Shailendra Singh S/o B. S. Singh Aged About 42 Years R/o
Abhilasha Parisar, H. I. G. 1/34a, Behind Hightech Bus Stand, Tifra,
P. S. Sirgitti, Tehsil And District Bilaspur Chhattisgarh, District :
Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Sirgitti, Tehsil And District
Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Manoj Paranjpe, Advocate with
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.

2. Applicants in both the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.146/2018 registered at Police Station-Sirgitti, District – Bilaspur(C.G.), for the offence punishable under Sections 294, 506, 323, 342 r/w 34 of Indian Penal Code (for short 'IPC') and Section 3(1)(8),3(2)(VII) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. It is submitted by the learned counsel for the applicants, that both the applicants have been falsely implicated in this case. A totally false FIR has been lodged by the complainant in this case under the influence of member of Sakhi Centre and the members of a political party i.e. Aam Aadmi Party (AAP). Both the applicants are government servants and it was with the consent and willingness of the complainant, she was employed as household helper in the house of both the applicants where she used to live like a member of the family and she was never kept under any kind of confinement. As per contents of FIR in the case, it is clear that the complainant had freedom to move out. So far as the allegation regarding non-payment of wages to the complainant is concerned, it is totally a false allegation. According to the condition agreed by the father of the complainant, her monthly wages was directly transferred to the account of her father and other members as asked by them. Documents of said bank transfer have been filed along with the application. Hence, it is prayed that applicants be enlarged on anticipatory bail. Reliance has been placed in the judgment ***Dr. Subhash Kashinath Mahajan Vs. State of Maharashtra*** reported in ***AIR 2018 SC 1498***.

4. Per contra, learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the complainant has made direct allegations against both the applicants and the other witnesses have also supported the case, hence, no case is made out for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the case against these applicants is this, that minor complainant was brought to the house of the applicants for household works in the year 2016 at the monthly wages of Rs.3,000/-. It is alleged that the applicants have not only beaten, thrashed & confined the complainant but her monthly wages have also not been paid by the applicants. Hence, this case.
7. Considered on all the material present in the case diary. The offences registered against the applicants under various provisions of the IPC are bailable in nature. As regards the offence registered under the provisions of the ST/SC Atrocities Act, according to the facts of the present case, it has to be further investigated by the police to find out whether the applicants had committed the offence against the complainant on the ground that she belongs to scheduled tribe, therefore, for the present it appears that the bar under Section 18 of the Atrocities Act is not applicable.
8. On due consideration, I am of this opinion that both the applicants should be enlarged on anticipatory bail.
9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be

released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- each 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 applicants 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha_