

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5173 of 2018

Bhagwandas Kushwaha, S/o. Heeralal Kushwaha, Aged About 58 Years, Occupation Service At Revenue Department, Revenue Inspector, R/o. Qtr. No.17, Prembag Colony, Baikunthpur P. S. Baikunthpur Distt. Korea Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Baikunthpur, Distt. Korea Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. G.A.
For Objector	:	Mr. Kishore Bhaduri, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2018

1. This is the first bail applications filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.114/2017, registered at Police Station- Baikunthpur, District – Korea (C.G.) for the offence punishable under 294, 354, 354(a) of the Indian Penal Code and Section 3 (1) (10), 3 (1) (11), 3(1) (r, s), 3 (1) (w) of the S.C. & S.T. (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 08.07.2018. No case is made out against him according to the material present in the charge-sheet. The fact is this that on the date of incident, the applicant has been falsely implicated at the behest of Sanjay Agrawal, who is the land Mafia. As the disputed land was to be demarcated on the date of incident, the applicant had approached for assistance of police force, it was at that time, the applicant was abused, assaulted and threatened by Sanjay Agrawal and others including the complainant,

regarding which FIR has been lodged on 24.03.2017 and on that basis offence were registered against the complainant and others. Subsequent to that on 11.04.2017, an application under Section 156(3) of Cr.P.C. was filed by the complainant before the concerned Magistrate on the basis of which, the order was passed by the Magistrate and the FIR has been lodged against the applicant. Presently, the charge-sheet has been filed and the trial is likely to take sometime for its conclusion. Hence, it is prayed that the applicant may be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect. It is submitted that serious allegations have been made against this applicant, who happens to be a public servant, hence, he is not entitled to be released on bail.
4. Counsel for the objector submits that earlier, the applicant had approached before this Court for anticipatory bail, in which this Court had observed, that FIR lodged in this case can not be regarded as counter blast to the FIR lodged by the applicant against the complainant and others and no case was made out for grant of anticipatory bail. Hence, the same observation applies to the instant case also. Hence, the application for grant of regular bail may be rejected.
5. I have heard the learned counsel for the parties and perused the documents placed on record.
6. The case against the applicant is this that on the date of incident complainant Neelam Bansod along with Pushpa have been to the house of the applicant to ask help from the applicant regarding ancestral land sold out by the brother of the Pushpa, in which she had

a share. It is alleged that this applicant outraged the modesty of victim by touching her physically and when they objected, he abused the complainant by her caste name and threatened her. Hence, this case.

7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, in the present scenario, the charge-sheet has been filed, the applicant being the Revenue Inspector is the public servant and only for the purpose of trial of the case keeping him in detention is not going to serve any purpose. Looking to the objection made by the objector, some specific conditions may be imposed upon the applicant, while releasing him on bail. Hence, after due consideration on all the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case, of any repetition of commission of such offence, the objector may approach this Court for cancellation of bail granted to the applicant.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
 Judge