

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1387 of 2018

Dinesh Kumar Sahu S/o Sudama Ram Sahu, aged about 40 years, caste Teli, occupation- Shiksha Karmi Grade-02, R/o Village Mohara, Police Station Patna, Tahsil Baikuntpur, District- Korea (C.G.).

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. T.K. Jha, Advocate
For Respondent	:	Mr. Sangarsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

12/11/2018

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his 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.
2. 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 applicant is a 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, the applicant was 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, the police has registered the offence against the applicant.

3. Learned counsel appearing on behalf of the applicant 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 name of the applicant was not 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 private complaint dated 04/04/2016 also, no specific allegations was made against the applicant by the complainant, however, inspite of that crime has been registered against the present applicant. Looking to the facts, no prima-facie case is made out against the applicant. He further submits that other applicants Rekha Kelwani and K.D. Tripathi have already been granted benefit of anticipatory bail by this Court vide order dated 16/05/2018 passed in MCRCA No. 336/2018. The main accused- Rakesh Upadhyay has already been granted regular bail by the trial Court itself, therefore, the applicant may be extended the benefit of anticipatory bail.
4. 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.
5. 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 applicant under ST/SC (Prevention of Atrocities) Act, and further considering the fact that other applicants Rekha Kelwani and K.D. Tripathi have already been granted benefit of anticipatory bail by this Court vide order dated 16/05/2018 passed in MCRCa No. 336/2018 and the main accused- Rakesh Upadhyay has already been granted regular bail by the trial Court itself, I am inclined to extend the benefit of anticipatory bail to the applicant.

6. Accordingly, this anticipatory bail application is allowed.
7. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a bond in the sum of Rs.20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/applicant 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/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
8. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge