

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 168 of 2019

- Smt. Varsha Mishra W/o Devendra Mishra, Aged About 30 Years, R/o Sagar Shikhar, Room No. B/103, In-front of Geeta Place, Sarkanda, P.S. Sarkanda, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Abhishek Pandey, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-02-2019

1. Apprehending arrest in connection with Crime No.534/2018, registered at Police Station – Sarkanda, District Bilaspur, Chhattisgarh for offence punishable under Section 3(1)(घ) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out. The applicant had been working as City Coordinator (City Mitandin Programme), Bilaspur and complainant Anita Banjara was one of the Mitandins. The complainant had derelicted in her performance of duties and also involved in embezzlement of funds allotted to her. Then, action was taken by the applicant against her and in a subsequent action the Executive Director of the State Health Resource Centre had also issued notice, copy of which is attached as Annexure-A/2 mentioning this fact that the complainant had not responded to the notice given by the applicant. Subsequent to serving of these notices, the complainant filed a false complaint in the Court on 29-03-2017, on the basis of which, later on, the Court has ordered for registration of the FIR. This itself shows that the

complainant deliberately given this incident a colour of insult of her social status, which is not a case. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that according to the statement given by the complainant, there is evidence that the complainant was insulted by this applicant on the basis of her social status. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on 01-02-2017 the applicant abused the complainant using her caste name and made insulting remarks for her. Thereafter, a private complaint was filed before the Court and on the basis of the order passed by the Court, the FIR has been lodged in this case.

6. Considered on the facts and circumstances of this case in entirety. The fact that this applicant had proceeded against the complainant prior to registration of the FIR against her cannot be ignored and also for the reason that the FIR has been lodged after passing of long time since the date of receipt of information to the Court by the police. Hence, for these reasons, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge