

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 813 of 2019**

Krishnadhar Dubey @ K. D. Dubey, S/o. Late Ramlakhan Dubey, Aged About 59 Years, Working on the Post Of Accountant, Chief Medical and Health Officer, Surajpur, District Surajpur Chhattisgarh. Permanent R/o Gandhinagar, Soni Colony, Ambikapur, Police Station Tahsil Ambikapur, District Surguja Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station AJAK Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent : Mr. Rahim Ubawani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/06/2019**

1. Apprehending arrest in connection with Crime No.174/2019, registered at Police Station – AJAK, Surajpur, District – Surajpur (C.G.) for offence punishable under Section 294 & 354 (A) of the Indian Penal Code read with Section 3 (1) (r), 3 (1) (b) (ii) & 3 (2) (va) of S.C. & S.T. (Prevention of Atrocities) Act, 1989, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant is working as accountant in the office of

Chief Medical and Health Officer, Surajpur. The complainant was given appointment as Staff Nurse in the department on contract basis by Dr. S.P. Vaishya, Incharge C.M.H.O., which was a irregular appointment and on that basis services of the complainant and others similarly appointed have been terminated after giving the concerned notice of one month. The applicant was receiving information that because of this termination, the complainant and others were conspiring to lodge FIR for falsely implicating the applicant in case of molesting and other offences, therefore, the applicant made a representation to the CMHO giving information of such conspiracy, which is attached as Annexure A-7. This apprehension continued, therefore, the President, Woman Harassment Committee of Surajpur also made a representation to the IG Police, Surajpur making a mention of the intention of the complainant and others to falsely implicate this applicant and one another and only for the reason of their termination from services. The complainant has then lodged belated FIR on 03.05.2019, which is clearly a counter blast to the circumstances which appeared against the complainant. The applicant is responsible public servant and he has not committed any such offence as alleged in the FIR. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the complaint and the statement of the victim very clearly mentioned about the continuous molestation, harassment and abuse made by the applicant against the complainant. Therefore, the applicant is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged, while the complainant was working as Staff Nurse at District Hospital, Surajpur, the applicant used to call her any time and misbehave with her and molest her to outrage her modesty. It is alleged that the applicant also used to address the complainant as tribal and illiterate and used abusive words for her for the reason that he wanted her to submit before him, regarding which FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and also considering on the reason regarding termination of the complainant from the post of Staff Nurse. Contract appointment that was given to the complainant was itself going to terminate on 31.03.2019, therefore, there was nothing in the hand of the applicant to give any extension or any favour to the complainant in case she submitted to him and also for the reason that FIR has been lodged after termination notice was served upon the complainant, hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him 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 himself 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram