

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1167 of 2019**

- Sanjay Sinha S/o Shri Jagdish Prasad Sinha, Aged About 37 Years Occupation - Service Assistant Grade - II, Office Of Chief Medical And Health Officer, District Surajpur Chhattisgarh., R/o Village Patna, Police Station Patna, Tahsil Baikunthpur, District Koriya, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri V.K. Pandey, Advocate.
For Respondent/State	: Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**23/08/2019**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 173/2019 registered at Police Station AJAK, Surajpur, District-Surajpur (C.G.). for the offence punishable under Sections 294 & 354 (A) of IPC r/w Section 3 (1)(r), 3(1)(b)(ii) & 3 (2) (va) of SC/ST (Prevention of Atrocities) Act, 1989.
2. As per the prosecution story, on 03.05.2019, prosecutrix of the case who is a major lady aged about 25 years, working as Staff Nurse at District Hospital, Surajpur made a report alleging therein that on 01.04.2019, when Complainant was working, Applicant used to call her any time and misbehave with her and molest her to outrage her modesty. It is also alleged that the Applicant used to address the Complainant as tribal and illiterate and used abusive words for her for the reasons that he wanted her to submit before him. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. From the evidence collected by the prosecution, *prima facie*, no case is made out against the Applicant. It is further submitted that Applicant is working on the post of Assistant Grade- II in the office of District Chief Medical and Health Officer, Surajpur. The Complainant was given appointment as Staff Nurse in the Department on contract basis which was an 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. Thereafter, Applicant has been falsely implicated by the prosecutrix. It is further submitted that, alleged incident was of 01.04.2019 and FIR has been lodged after one month i.e. on 03.05.2019 and on the same day i.e. 03.05.2019, prosecutrix also lodged a complaint against one Krishnadhar Dubey, who is also working as an Accountant in the said office, levelling same allegation against him, from which it is *prima facie*, established that after her termination from service the prosecutrix lodged the false report as a counter-blast.
4. Learned Counsel appearing for the State opposes the bail application and submits that there is sufficient evidence available on record against Applicant and on the basis of which, *prima facie*, offence is made out against him. Therefore, he should not be granted benefit of anticipatory bail.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the entire material present in the case diary and for the reasons that FIR has been lodged after termination notice was served upon the Complainant, hence, after due consideration, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge