

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1524 of 2019

- Mahendra Kumar Pandey S/o Late B.G. Pandey Aged About 54 Years Working As Lab Technician At Maharani Hospital, Sai Coloney, Jagdalpur, District Baster At Jagdalpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ajjak, District Baster At Jagdalpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Chouhan, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 395/2019, registered at Police Station Ajjak, Distt. Jagdalpur (C.G.) for the offence punishable under Sections 354 of the IPC and Section 3 (1) B of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. As per prosecution story, on 27.07.2019, an FIR has been lodged by complainant/girl aged about 19 years belonging to Scheduled Tribe. She is a student of Paramedical, she engaged with the applicant for duty, It has been alleged by her that on 23.07.2019, the applicant molested her. On the basis of her report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated by the complainant due to some dispute between them. The complainant is a paramedical student, she was performing her duty with the applicant, she was a work shy and the applicant being a senior directed the complainant to do her work properly due to that quarrel had taken place between them and she made a false report against the applicant. He further submits that if the entire case taken as it is, no case under Section 3 (1) B of the ST/SC (Prevention of Atrocities) Act can be made out against the applicant. The alleged incident was occurred on 23.07.2019 and the FIR has been lodged after four days. The applicant is a government servant and there is no chance of his absconding. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by the learned counsel appearing for the parties and further considering the fact that the alleged incident was occurred on 23.07.2019 and the FIR has been lodged after four days. There is no material available on record for the offence punishable under Section 3 (1) B of the ST/SC (Prevention of Atrocities) Act. Without further commenting on other merits of the case, in my considered opinion, the present applicant is entitled to grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with

one solvent 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 made 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.

Sd/-

(Arvind Singh Chandel)
Judge