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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1673 of 2018

- Hari Om Dubey S/o Late Narayan Dubey, Aged About 46 Years, Occupation Loco Pilot, SECR, R/o Flat No.404, Vaishali Regency, Torwa, Bilaspur Tashil and District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station AJAK, Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Manish Nigam, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-01-2019

1. Apprehending arrest in connection with Crime No.38/2018, registered at Police Station –AJAK, Bilaspur, District Bilaspur, Chhattisgarh for offence punishable under Section 294, 354-A, 506 of the IPC and Section 3(2)(va) of SC & ST (Prevention of Atrocities) Act, 1989, 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 against this applicant for the offence under Section 354-A of the IPC and Section 3(2)(va) of the SC & ST (Prevention of Atrocities) Act. Apart from that, the applicant and the complainant both have compromised, regarding with documents are submitted along with, in which, the complainant herself has given an application to the police with affidavit that she does not want to prosecute the applicant. Therefore, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.

5. It is alleged that on the date of incident the applicant firstly abused the complainant and then threatened her and also caught hold of her hand by trying to pull her. On the basis of the FIR lodged the police have registered the offences as aforesaid.

6. Considered on the entire material present in the case diary. There is no direct allegation regarding outraging modesty in the contents of the FIR and regarding insult to the social status of the complainant, in such a case Section 18 of the SC & ST (Prevention of Atrocities) Act is not applicable. Therefore, 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, 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge