

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 182 of 2020**

- Jitendra Jaiswal S/o Shree Kishan Lal Jaiswal Aged About 34 Years, Occupation Government Service Police Constable, R/o Quarter No. B/1097, Khishna Vihar, N T P C Colony, Thana Darri, Tehsil And District Korba, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Anusuchit Jati Janjati Kalyan Thana/ Ajak Thana, Korba, District Korba, Chhattisgarh

---- Respondent

For Applicant	Mr. Mahendra Dubey, Advocate
For Respondent /State	Ms. Fouzia Mirza, Additional Advocate General
For Objector	Mr. KK Dewangan, Advocate

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order on Board****17/6/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No. 25/2019 registered at Police Station Anusuchit Jati Janjati Kalyan Thana/Ajak Thana, Korba, District Korba,

Chhattisgarh, for the offence punishable under Section 354 of the IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the Act, 1989").

3. The applicant is a Constable at Police Station Azak, Korba. The complainant came to the Police Station for verification of her passport. It is said that the applicant demanded *Sewa Shulk* and talked indecently having sexual tenor with the complainant. According to the applicant's counsel, another complaint against his colleagues namely Yogesh Ratre, Head Constable and Man Singh, Constable, has been lodged by a lady, in which, the applicant is a witness, therefore, to pressurise him and settle the score, these two Constables have used the present complainant to lodge the complaint against the applicant making one Vivek Shriwas as a witness. The said Vivek Shriwas happens to be stock witness of the concerned Police.
4. Heard learned counsel for the parties and perused the documents attached to the bail petition.
5. It appears, there is an element of rivalry between the Constables posted in the subject Police Station, therefore, in the event of arrest, the applicant being a Government Servant may face disciplinary action.
6. In view of the above, looking to all the relevant aspects of the matter, this Court is of the considered view that *prima facie* the act has not been done only because the complainant belongs to

Scheduled Caste, therefore, bar under Section 18 of the Act, 1989 may not attract.

7. Considering the facts and circumstances of the case, I am of the opinion that the present is a fit case, in which, the applicant should be extended the benefit of Section 438 of Cr.PC.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) he shall make himself available for interrogation by a Police Officer as and when required;
 - (ii) 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 for disclosing such facts to the Court or to any Police Officer.
9. Certified copy as per rules. Sd/-

(Prashant Kumar Mishra)

Judge

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