

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 180 of 2020

Smt. Sonal Jain W/o Ashwani Jain Aged About 35 Years Government Servant
(Sub Engineer Janpad Panchayat Baramkela) R/o C-129, Himalaya Height,
Bank Colony Chakrdharnagar, Raigarh Tahsil And District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Thana Sariya, (Ajak Wrongly Mention In
order sheet) Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.
For Respondent/State : Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/02/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as she is apprehending her arrest in connection with crime no. 01/2020 registered in Police Station-Sariya, Raigarh, Distt. Raigarh, Chhattisgarh for the offence punishable under Sections 294, 323, 506-B of the IPC and Section 3 (1)(10) of the SC and ST (Prevention of Atrocities) Act, 1989.
2. As per prosecution story, the prosecutrix is a girl who is a member of Schedule Caste. On 03.11.2019, a written complaint has been made by the complainant wherein it has been alleged that the applicant has kept the complainant for domestic works in her house situated at Raigarh for monthly salary of Rs. 4,000/-. Allegedly, after some days, the applicant used to misbehaved with the complainant and abused her by the name of her caste. On 06.08.2019, when father of the complainant went to take his daughter with him, the applicant did not let her to meet and again abused her by the name of her caste. Thereafter, the complainant went home with her father. It has been further alleged that after two days, the applicant went to the house of complainant, threatened her and abused her with filthy language. On the basis of said 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 in the present case. He further submits that virtually one Arun Sharma who is the husband of

Sarpanch has referred the complainant to work in the house of the applicant. Arun Sharma used to misbehave with the applicant for which the applicant has made complaints before concerned Police Station on 05.11.2019 & 09.11.2019, when the applicant found that no such investigation has been done in her matter then she made complaint before the higher officials of Police Department. Finally, on 29.12.2019 offence under Section 509 of the IPC has been registered against Arun Sharma. Since, the applicant has continuously lodged complaints against Arun Sharma, therefore, for taking revenge through the complainant on 03.11.2019, a false and fabricated report has been lodged against the applicant. The incident occurred on 06.08.2019 and the written complaint has been made on 03.11.2019. The Counsel further submits that alleged incident dated 06.08.2019 was occurred inside the house, therefore, no offence under Section 3 (1)(10) of SC and ST (Prevention of Atrocities) can be made out against the applicant. With regard to incident occurred after 2-3 days from the date of incident i.e. 06.08.2019, the Counsel submits that entire story narrated by the complainant is fabricated and unnatural. The Counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he 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 both 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 both the counsel appearing for the parties and further considering the facts that there was a delay for about 3 months in lodging the FIR and the incident dated 06.08.2019 was occurred inside the house. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
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. 20,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-

- I. That accused/applicant shall made herself 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 her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge