

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 306 of 2020**

- Raghuraj Singh Chouhan Rajput, S/o Virendra Singh Chouhan, aged about 60 years, Assistant Director, Horticulture Department, Baikunthpur, PS Baikunthpur, District Korea (CG)

---- Applicant**Versus**

- State of Chhattisgarh, through Aajak, PS Baikunthpur, District Korea (CG)

---- Non-Applicant

For Applicant : Shri A.S. Rajput, Advocate.
 For Non-Applicant : Shri HS Ahluwalia, Deputy AG.
 For Objector : Shri Harshwardhan Jaiswal, Advocate.

Proceeding Through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****21/08/2020 :**

1. The applicant has preferred this bail application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.01/2020, registered at Police Station Aajak, Baikunthpur, District Korea for offences punishable under Sections 294, 323, 342 of the IPC and Section 3 (1)(द)(घ) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. The applicant is working as Assistant Director, Horticulture Korla whereas complainant Mariyanus Khalkho is working as AG-III in the

same office. For an incident happened on 10.4.2019, both of them have lodged FIR against each other. On the complaint filed by the applicant, offence under Sections 186, 353 and 323 of the IPC has been registered under crime No.112/2019 against the complainant Maryanus Khalkho in which he was arrested on 11.4.2019. Later on present crime has been registered against the applicant after about 9 months. Both of them have raised a defence on the ground that they being handicapped, they cannot commit such offence.

3. Learned State Counsel as well as learned counsel for the Objector would vehemently oppose the bail application.
4. Considering that the applicant is the senior officer, aged about 60 years, and there is some dispute between him and his subordinate Maryanus Khalkho on whose complaint present crime has been registered, as also the fact that the applicant is enjoying interim bail granted to him vide order dated 26.2.2020, this Court is inclined to extend the benefit of anticipatory bail to the applicant. Despite bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, this Court is inclined to exercise the power to grant anticipatory bail for the reason that the dispute appears to be between the officer and the employee working in the same department and same office. Therefore, there may be exaggeration.
5. Accordingly, the bail 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 not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;

(iii) 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 facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve