

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1914 of 2019

Smt. Resham Tripathi W/o Shrikant Tripathi Aged About 56 Years R/o Haldi Badi, Old Bus Stand, Chirmiri, House- Kamlesh Bhavan, District Korea Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Anusuchit Jati Kalyan, (Baikunthpur) District Korea Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rohit Sharma, Advocate.
For Respondent/State	: Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/02/2020

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. 35/2019, registered at Police Station Anusuchit Jati Kalyan, Baikunthpur, Distt. Korea, Chhattisgarh for the offence punishable under Sections 186, 353 & 506 of the IPC and Section 3 (1)(H)(N) of the SC/ST Act.
2. As per prosecution story, on 31.10.2019, an FIR has been lodged by complainant Shashi Kant Tandon, Sub-Inspector of Police Station Chrimiri alleging therein that on 29.10.2019 at about 12:10 PM in the said Police Station when he was interrogating with some persons, the applicant entered their and quarreled with him, she has also abused him by the name of his caste. 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 being a social worker, the applicant gone to the Police Station for lodging FIR in some other matter at that time, dispute has taken place between the parties, therefore, the complainant abused the applicant and threatened her to lodge a false report against her. On 30.10.2019, the applicant made a written complaint before Superintendent of Police in this regard. Thereafter, on 31.10.2019, a false and fabricated report has been lodged by the Complainant for taking revenge with the applicant. Independent witnesses of the case Advocates Manoj Kumar and Dilip Gupta has not stated anything that such incident has taken place. The Counsel further submits that the complainant himself is a Police Sub-Inspector, if such incident has taken place with him then he should filed the complaint on the same day. He lastly submits that the applicant is a lady and she is a reputed person of her society, she is a permanent resident of above mentioned address and there is no chance of her absconding, therefore, she may be granted benefit 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.
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 fact that the FIR has not been lodged on the same date of the incident inspite of that the Complainant is a Police Sub-Inspector. 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. 25,000/- with one 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 the 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