

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2051 of 2019

Smt. Manju Rajput, W/o Shri Markandey Singh, aged about 37 years,
Occupation: Assistant Medical Officer, Community Health Center, Lodam,
Caste-Rajput, R/o Lodam, Tahsil & District: Jashpur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh through Station House Officer, Police Station:
Anushuchit Kalyan, Jashpur, District: Jashpur (C.G.)

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For Respondent/State	: Ms. Seema Dixit, 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. 01/2019, registered at Police Station: Anushuchit Kalyan, Jashpur, District: Jashpur (C.G.) for the offence punishable under Section 294, 506 of IPC and Section 3 (1) (s) of SC & ST (Prevention of Atrocities) Act.
2. In this case the name of the complainant is Dr. Kamal Sidar who is a member of Scheduled Caste, he and present Applicant both are working as R.M.A in the hospital situated at Lodam. On 09.06.2019 a complaint has been filed by the complainant alleging therein that on 08.06.2019 at around 11:00 A.M, the present Applicant in hospital abused the complainant by name of his caste and threatened him to dire consequences. On the basis of said offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that earlier

the complainant had misbehaved with the Applicant and other staff of the hospital and they have made the complaint against the complainant. He further submits that virtually on 08.06.2019 complainant Dr. Sidar had misbehaved with the Applicant and other staff of the hospital and on the same date the Applicant and other staff of the hospital have made complaint to the higher officials (B.M.O) and statements of present Applicant and other staff were also recorded. Later on, on the basis of enquiry report, FIR has been lodged against the complainant Dr. Sidar and on the basis of said FIR offences under Section 294 & 506 of IPC have been registered against the complainant Dr. Sidar. He lastly submits that since on 08.06.2019 itself complaint had been submitted before the B.M.O against the complainant Dr. Sidar thereafter on 09.06.2019 the complainant made false and fabricated complaint against the present Applicant to take revenge, therefore, Prima Facie no case under Section 3 (1) (s) of SC & ST Act can be made out against the Applicant, therefore, he prays for grant of anticipatory bail to the Applicant.

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, arguments advanced by counsel for the parties and particularly considering the fact that on 08.06.2019 a written complaint was filed by the Applicant against the complainant and thereafter on 09.06.2019 complainant had lodged the report against the Applicant, 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/applicants 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 him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge