

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2123 of 2019**

Lokeshwar @ Lokesh Dewangan S/o Shri Bhuneshwar Prasad Dewangan, aged about 31 years, Occupation Government Servant R/o Shikshak Colony, Kawardha, Police Station and Tahsil Kawardha District Kabirdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh through District Magistrate Kabirdham (C.G.)/ Station House Officer, Police Station Kabirdham, District Kabirdham (C.G.).

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mr. D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

28/05/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 293/2019 registered at police station – Kawardha, District Kabirdham (C.G.) for the offence punishable under Section 306 of the Indian Penal Code. (now inserted Section 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act.
3. As per prosecution story, one Tejaswi Markam was preparing for PSC examinations at Kawardha. She was in love affair with the applicant. It is alleged that the applicant started to take money from Tejaswi and he also took her ATM card. Thereafter, he withdrew money from her

account for his expenses. It was also alleged that Tejaswi was subjected to cruelty by the applicant. Once, the applicant demanded her photo when she was bathing and posted the same on social media, due to this Tejaswi committed suicide on 20/07/2018. Initially offence under Section 306 of the IPC was registered and the applicant was arrested on 24/06/2019. Thereafter, the applicant was granted bail vide order dated 13/08/2019 passed in MCRC No. 4554/2019 by the coordinate bench of this Court. Later, the police has added other offence punishable under Section 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act. Thus, this application.

4. 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 after getting the regular bail granted by the coordinate bench of this Court vide order dated 13/08/2019 passed in MCRC No. 4554/2019, to harass the applicant, the police has added further offence under the above mentioned section. Since the offence under Section 306 of the IPC can be made against him, therefore, offence under Section 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act also cannot be made against the applicant. He further submits that this Court has already granted regular bail to the applicant and he has not misused that, therefore, he prays to extent the benefit of anticipatory bail to the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument

advanced by counsel for the parties and further considering that initially offence under Section 306 of the IPC was registered and the applicant was granted regular bail and thereafter offence under Section 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act has been added, in my considered view, this is a fit case to extent the benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make himself 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge