

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 383 of 2021**

Smt. Sandhya Shrinivasan D/o Lt. Shri Pundi Shrinivasan
 Aged About 54 Years R/o 1/27, Plot Number 26, Gsr
 Enclave Resala Bazar Bus-Stop, Macha Bolaram,
 Sikandrabad, Hyderabad, Andhra Pradesh Pin 500010
 --- Applicant

Versus

State of Chhattisgarh through the Police Station D. D.
 Nagar, Tehsil and District Raipur Chhattisgarh ---
 Respondent

MCRCA No. 387 of 2021

Shri Kamal Nayan Diwakar S/o Shri Ravindranath Tripathi
 Aged About 40 Years R/o 23, Irki Tehsil and District IRKI
 Anchal Mahon Nagar, District Gaya Bihar Pin 824252
 --- Applicant

Versus

State of Chhattisgarh through the Police Station D. D.
 Nagar, Tehsil and District Raipur Chhattisgarh
 --- Respondent

For the applicants : Mr. Akshay Shail, Advocate.
 For the State : Mr. Pawan Kesharwani, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27.07.2021**

1. Apprehending arrest in connection with Crime No. 467/2020 registered at Police Station D.D. Nagar, Raipur (C.G) for the offences punishable u/ss 342, 354, 354(d) read with section 34 of IPC of IPC, the applicants have filed applications u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by the

victim that she was working with Magic Bus India Foundation as a Resource Worker and on 18.10.2019 she was sent with an E-Mail wherein it was informed that she was required to attend the meeting scheduled to be held on 24.10.2019. Accordingly, she attended the meeting at Raipur in which both the applicants and other accused Vikash were present. When she entered into the room, the door was locked inside the room and forcibly she was made to tender resignation. Having refused to resign, pressured was exerted on her to resign by force. Thereafter when she wanted to go out of the room, applicant Kamal Nayan Diwakar, caught hold of her with a bad intention. The allegation against applicant Smt. Sandhya Shrinivasan is that while the complainant was made to sit in the chair, she forced the complainant to sign the resignation letter.

3. Learned counsel for the applicants would submit that the victim was working with Magic Bus India Foundation and since her work performance was not upto the mark, many a time she was apprised of the fact but eventually she did not improve her work performance, therefore in an appraisal meeting she was called and considering her performance in the office she was asked to resign. He would submit that E-Mail to this effect was sent on 18.10.2019 that a meeting was scheduled to be held on 24.10.2019 which is the date of incident and in the said meeting as many as 14 persons were present. He further submits that one of the accused Vikas was arrested and was granted bail on the same day i.e.,

06.01.2021 and this is a case where an employee who was removed from job due to poor performance has made a false report, therefore, the applicants may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. He read out the statement of the victim and submits that she was working with Magic Bus India Foundation and was ailing for some time, as such, at different point of time in the night query was made for different data and particulars were asked for and eventually by force she was asked to resign in the meeting held on 24.10.2019 and during such incident, both the applicants along-with Vikas were present in the room and they exerted pressure on complainant to resign and manhandled. However she refused.
5. Perused the documents and considered the statement. The E-mail appears to be sent to the employee on 18th October, 2019 wherein it was informed that a meeting was scheduled to be held on 24th October, 2019. subsequently the document would show that certain meeting was held on 24.10.2019 which is the alleged date of incident. The complainant was removed from service on 4 Nov. 2019 vide Annexure P-4.
6. Prima facie, it appears that because of the employment dispute, the issue has come to fore. Considering such back ground of the case and the nature of allegations levelled against the applicants as also the fact that no custodial personal interrogation would be required at this stage, I am inclined to admit the applicants to

anticipatory bail.

7. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE