

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 578 of 2021

- Hulesh Dadsena, son of Shri Pila Singh Dadsena, aged about 33 years, presently posted and working as District Food Officer, Gariyaband, District Gariyaband.

---- Applicants

Versus

- State of Chhattisgarh Through the Station House Officer, P.S. Gariyaband, District Gariyaband (CG)

---- Non-applicant

For Applicant	:	Mr. Shashank Thakur, Advocate
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer
For Objector	:	Mr. Devershi Thakur, Advocate

Hon'ble Mr. Justice Parth Prateem Sahu
Order On Board

6/7/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.123/2021 registered at Police Station Gariyaband, District Gariyaband for commission of offence punishable under Sections 354, 509(b) of the Indian Penal Code.
2. The prosecution story, in brief, is that the complainant was working as daily rated employee in the Chhattisgarh Co-operative Marketing Federation Limited (MARKFED). In the month of March, 2020 the complainant was deputed as 'Data Entry Operator' in the office of the District Food Officer, Gariyaband. On 4.8.2020 present applicant (District Food Officer) called her in his chamber, made some obscene comments on her, caught hold of her hand and kissed her. It is also alleged that present applicant used to make phone calls on her mobile phone in night and used to talk in obscene language. Report of incident was lodged by complainant on 7.4.2021 to the concerned police station based upon which

instant crime was registered against present applicant.

3. Mr. Shashank Thakur, learned counsel for applicant submits that absolutely false and baseless allegations have been levelled against the applicant. Present applicant while holding the post of District Food Officer, Gariyaband has received complaint (Annexure A-2) against the complainant on 7.1.2021 to the effect that she is demanding Rs.500/- from each beneficiary for preparation of ration card. The District Marketing Officer was informed about the conduct of complainant whereupon the District Marketing Officer vide letter dated 5.3.2021 (Anexure A-3) cautioned the complainant to act properly and not to involve herself in any misconduct otherwise disciplinary action will be taken against her. Finding no change in the conduct and working of the complainant, she was transferred to Rajim vide order dated 12.3.2021 (Annexure A-4). It is only after her transfer from Gariyaband to Rajim, she lodged the instant false and frivolous complaint against present applicant on 7.4.2021 narrating the alleged incident occurred on 4.8.2020. He submits that delay in lodging of FIR itself shows that false allegations have been levelled against present applicant. After the alleged incident, the complainant has not made any allegation or narrated the incident to any higher official or employee working with her in the office or to the District Marketing Officer under whom she was employed as daily rated employee. He further submits that applicant is a government servant and working as Food Officer, as such, there is no likelihood of his absconsion and he is ready to comply with the conditions as may be imposed while granting him anticipatory bail. Hence the applicant may be granted benefit under Section 438 of CrPC.
4. Per contra, Mr. Vaibhav Singh, learned Panel Lawyer for the State opposes the submissions made by learned counsel for the applicant and submits that allegations levelled against present applicant are serious in nature. He being the superior officer of the complainant had tried to outrage her modesty in his chamber. The complainant has also narrated the incident

to her colleagues namely Puspha Goswami & Praveen Dewangan. Learned State Counsel has read over the statement recorded under Section 164 of CrPC in which also similar allegations have been levelled by the complainant against the applicant.

5. Mr. Devershi Thakur, learned counsel for the Objector submits that the complainant is a widow and after the death of her husband, she is earning her livelihood by working as daily rated employee. Due to shame and fear of loss of her reputation, the complainant did not disclose the incident dated 4.8.2020 prior to 7.4.2021. He further submits that the applicant used to make calls on mobile of complainant after office hours in late night and in support of this contention, he has placed on record call details. He further submits that even after transfer from Gariyaband to Rajim, present applicant used to make calls to the complainant and after lodgement of FIR, present applicant is pressurizing the complainant to withdraw the same and the complainant has already brought this fact to the notice of the police vide letter dated 12.6.2021. He submits that looking to the nature of allegations levelled by the complainant in her complaint, present applicant is not entitled for grant of anticipatory bail.
6. I have heard learned counsel for the parties.
7. Undisputedly, the complaint in respect of incident occurred on 4.8.2020 has been lodged by the complainant on 7.4.2021.
8. Taking into consideration the nature of allegations levelled against present applicant, the fact that the complainant lodged report after she was transferred from Gariyaband to Rajim on 12.3.2021, there is delay of about 8 months in lodging of complaint, call details filed are till September, 2020 showing call on particular date only, I am of the view that present is a fit case where applicant is entitled to be released on anticipatory bail.
9. Accordingly, the application is allowed and it is directed that in

the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. The applicant shall also abide by the following conditions :

- (i) that he shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that 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 / her from disclosing such facts to the Court or to any police officer;
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Parth Prateem Sahu)
Judge

roshan/-