

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1267 of 2020**

- Sanjeev Thakkar S/o Vinod Thakkar Aged About 41 Years R/o Behind Amchur Factory, Yadunandan Nagar Road, Ghuru, Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sakri, District Bilaspur Chhattisgarh.

---- Non-Applicant

MCRCA No. 1291 of 2020

- Deepika Singh Bais D/o Kamal Singh Bais Aged About 28 Years R/o Near Nandeshwar Mandir, Behind Jaiswal Palace, Chantidih, Police Station - Sarkanda, Bilaspur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Sakri, District - Bilaspur (Chhattisgarh)

---- Non-Applicant

For Applicant : Shri Malay Shrivastava, Advocate.
For Non-Applicant : Shri Ashish Gupta, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

14/01/2021 :

1. The aforesaid bail applications are being disposed of by this common order as they arise out of Crime No.225/2020, registered at Police Station Sakri, District Bilaspur for offence punishable under Section 341, 323, 186 and 353 of the IPC.

2. Applicant Sanjeev Thakkar is the Chairman of the charitable trust namely, "Our Home", whereas applicant Deepika Singh Bais is the Superintendent of the shelter home run by the trust. It is alleged that registration of the trust for running the shelter home was cancelled by the District Collector and on the date of the incident, officers of the Woman and Child Development Department reached the shelter home for taking back the children residing therein to shift them to some other location. However, the applicants deterred the public servants in discharge of their official duties and assaulted them.
3. Learned counsel for the applicants would argue that in the writ petition bearing WPC No.4517/2019, the District Collector was directed to take decision on the representation preferred by the petitioners (applicants herein) and for a period of 45 days, the respondents shall not take any step pursuant to the impugned order in the writ petition. According to him, on the strength of the order passed by the writ Court, the trust was entitled to retain possession of the shelter home and the officers who reached the shelter home on the date of incident were in fact acting contrary to the order passed by the writ Court.
4. Learned State Counsel would submit that the applicants were not entitled to retain the children in their shelter home as registration was not operative on that day. He would submit that the incident occurred on 17.8.2020 whereas the order passed by the writ Court was operative only for a period of 45 days. Therefore, the applicants are not entitled to any benefit out of the writ Court's order.
5. In course of hearing of these bail applications, this Court had directed the SHO to verify as to whether the applicants were still possessed of 14 children who were sought to be released after cancellation of registration of shelter home of the applicants.
6. Learned State Counsel would submit, after verification and instructions from the concerned SHO, that at present the children are not residing in the shelter home run by the applicants and they have

been shifted elsewhere.

7. Having seen the case diary and for the fact that the applicants were in fact involved in giving shelter to the children under registration of the concerned Collector and the incident happened because the registration stood cancelled on the date of incident, as also for the fact that there was some order by the writ Court under which the applicants (petitioners in WP) were under bonafide assumption that they are entitled to have possession of the children, I am inclined to release the applicants on anticipatory bail.
8. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) they shall not influence the witnesses during trial.
 - (ii) they shall make themselves available for interrogation by a police officer as and when required;
 - (iii) 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 from disclosing such facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)