

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 554 of 2015

1. Devchand S/o Ram Singh Panika Aged About 52 years R/o Village Kui, Police Station - Kukdur, Tahsil - Pandariya, Civil & Revenue District Kabirdham Chhattisgarh
2. Sadhuram S/o Jhaduram Kothari Aged About 37 Years R/o Village Kui, Police Station - Kukdur, Tahsil - Pandariya, Civil & Revenue District Kabirdham Chhattisgarh
3. Satish S/o Jhaduram Kothari Aged About 30 Years R/o Village Kui, Police Station - Kukdur, Tahsil - Pandariya, Civil & Revenue District Kabirdham Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through - Station House Officer, Police Station - Kukdur (Wrongly Mentioned As Special Police Station Atrocity Pandariya) District Kabirdham Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Dharmesh Shrivastava, Advocate
For Respondent / State	:	Ms. Sunita Jain, Panel Lawyer

Order On Board

16/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.36/2015 registered at police station – Kukdur, Distt. - Kabirdham, CG for alleged commission of offence under Section 294, 323, 506-B/34 of IPC and 3 (1) (x) of the S.C. and S.T. (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989').

2. Case of the prosecution is that the applicant caused obstruction by spreading sand over the road which obstructed smooth running of traffic and also tractor of the complainant. At this stage, when the complainant asked the applicants to remove obstruction, the applicants abused and used caste language against the complainant.

3. Learned counsel for the applicants submits that prima facie, the complaint, if taken on its face, the genesis of dispute does not involve any element to intimidate or humiliate the complainant because he belongs to Scheduled Caste. He submits that all other offences alleged are bailable in nature.

4. On the other hand, learned State counsel submits that as there is a bar under Section 18 of the Act of 1989 in the matter of grant of anticipatory bail, on the allegations of commission of offence under the Act of 1989, the application is not maintainable.

5. The genesis of dispute, as stated in the complaint is that while the tractor of the complainant was going on the road, an obstruction of sand was found on the road. The applicant was asked to remove the sand and then the dispute arose. Therefore, prima facie, as all other offence are bailable in nature, the applicants are entitled to consideration for grant of anticipatory bail in view of the order passed by this Court in ***Satyaprakash Vs. State of C.G., 2004 (1) C.G.L.J. 162 & Abdul Abbas Vs. State of C.G., 2005 (2) C.G.L.J. 235.***

6. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police 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 them from disclosing such facts to the Court or to 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
Judge