

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 685 of 2015

1. Ramji Yadav s/o. Radhe Yadav, aged about 32 years.
2. Vishram s/o. Laxman Kenwat, aged about 40 years.
3. Golu @ Balram s/o. Radhe Yadav, aged about 40 years.
4. Amarnath s/o. Kunwar Singh Kenwat, aged about 40 years.
5. Gore Lal s/o. Ajitram Yadav, aged about 30 years.

All residents of village Khapri, Police Station Bilha, Tahsil Bilha, District Bilaspur (CG).

---- Applicants

Versus

1. State of Chhattisgarh, Through the Station House Officer, Police Station Bilha, District Bilaspur. (CG).

---- Respondent

For Applicants	:	Mr. Devesh Chandra Verma, Advocate.
For Respondent/State	:	Mr. Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice I.S. Uboweja

Order on Board

10-8-2015

1. The applicants have preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 116 of 2014, registered in Police Station Bilha, District Bilaspur (CG), for offence punishable under Sections 3, 4 and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act, 1989") and Sections 294, 427, 435, 436 of the IPC.
2. The case of the prosecution, in brief is that applicants with common intention entered the house of Sanjay Kumar and Hemu Bhadhe, abused them and damaged the motorcycle, cycle, furniture and headlight of Tractor and thereby committed the aforesaid offence.

3. Mr. Devesh Chandra Verma, learned counsel appearing for the applicants would submit that the present applicants have already been granted regular bail under Section 439 of the Cr.P.C. for the alleged commission of offence under Sections 147, 294, 427, 435 and 436 of IPC., vide order dated 11-11-2014 passed by this Court in M.Cr.C.No. 5274 of 2014. He would further submit that while filing the charge-sheet, just to falsely implicate the applicants, the Police added Sections 3, 4 and 5 of the Act, 1989. Therefore, the applicants apprehending their arrest constrained to file the instant bail application under Section 438 of the Cr.P.C. on the same crime number. He would further submit that the applicants have not misused the liberty granted to them, therefore, they may be extended the benefit of anticipatory bail.
4. Per contra, Mr. Suryakant Mishra learned Panel Lawyer appearing on behalf of the State has not disputed the aforesaid fact.
5. Taking into consideration all the facts and circumstances of the case and further considering the fact that the applicants have already been granted regular bail by this Court under Section 439 of the Cr.P.C, on the same crime number, I am of the considered opinion that it is a fit case in which the accused/applicants should be extended the benefit of Section 438 of the Cr.P.C.
6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one

local surety for the like sum to the satisfaction of the Officer arresting them and they shall abide by all the following terms and conditions:

- (i) that the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
- (ii) that the accused/applicants 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 the accused /applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till the trial is concluded.

Certified copy as per rules.

Sd/-
(I.S.UBOWEJA)
JUDGE

Raju