

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1205 of 2015

1. Smt. Anarmati, W/o. Shri Ramprasad, aged about 40 years,
2. Parmeshwar @ Guddu, S/o. Shri Ramprasad, aged about 20 years,
Both are by Caste-Bramhan, R/o. Village Balangi, Police Outpost-Balangi, P.S. Raghunathnagar, Tahsil-Wadraf Nagar, Revenue District – Balrampur, Civil District – Surguja (C.G.)

----Applicants

Versus

1. State Of Chhattisgarh, Through : Station House Officer, P.S. - Raghunathnagar, Civil and Revenue District – Balrampur (C.G.)

---- Respondent

For Applicants	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. O. P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/12/2015

1. Apprehending arrest in connection with Crime No.19/2015 registered at Police Station- Raghunathnagar, District – Balrampur (C.G.), for offence punishable under Section 294, 323, 506/34 of Indian Penal Code and Section 3 (1-10) of Schedule Caste and Schedule Tribe Prevention of Atrocities Act, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Akhilesh, aged about 15 years, that on 12.04.2015 while he was coming after answering the nature's call at that time few of the boys are jumping in the roof of the school, which was objected at that time the applicant No.1, the mother of the applicant No.2, abused him in the name of caste. Subsequently after playing cricket when he reached near school, at that time the mother of the Guddu, the applicant No.1 abused him, which was objected by the complainant and thereafter, the applicant No.2, son joined her, which was tried

to intervene by one Amresh, and the accused persons have assaulted the complainant, thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the accident occurred at the play ground and it has been turned into fashion to attract the provisions of Scheduled Caste and Scheduled Tribe. He would further submits that simple dispute between the minor by playing the cricket has been turned in such a manner and taking into the allegations, there was no intention to hurt in the name of caste. Therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the bail.
5. I have perused the report. The report is made by Akhilesh, aged about 15 years. Reading the report and the statement of Akhilesh would show that initially the dispute arose while the complainant objected some of the boys, who were jumping in the roof of the school, thereafter, again the incident alleged to happen at 5.30 PM when the applicant No.1 stated that the mother and father of the complainant used to eat mutton, which was objected, consequently it resulted into dispute taking into the fact the nature of the dispute appears to be occurred between the minor boys, wherein the elders intervene and it is aggravated. Therefore, considering the nature of the allegations, prima-facie it appears that intention do not appear to attract the rigor of provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and bar of Section 18 of the Act would be attracted. Taking into the totality of the facts and the nature and the way the offence is said to be committed, this Court is inclined to extend the benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is 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 executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the 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 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 disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge