

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.666 of 2015**

Naveen Kumar Gupta S/o Shri Baijnath Gupta Aged About 37 years
Occupation - Lecturer (Panchayat), R/o Mission Chowk, Kedarpur, Police
Station & Tahsil Ambikapur, Civil & Revenue District Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Of Police Station
Rajpur, District Balrampur Chhattisgarh

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent/State:		Shri Manish Nigam, Panel Lawyer

Order On Board**03/08/2015**

The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.22/2015, registered at Police Station–Rajpur, District Balrampur for alleged commission of offence under Sections 294, 506, 323, 147, 427 of IPC and Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (In short “the Act”).

2. Case of the prosecution is that the applicant and other accused abused and entered into quarrel with the complainant, Principal of the School and assaulted him. It is further alleged that the applicant knowing fully well that the complainant belongs to category of Scheduled Caste harassed him and also intimidated and insulted in a place within public view.

3. Learned counsel for the applicant submits that in the FIR and the case diary statement, there is no material to prima facie make out a case of

commission of offence under Section 3(1)(x) of the Act and all other offences are bailable in nature.

4. On the other hand, learned State counsel submits that the complainant was being harassed and insulted by using caste language.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the submission of learned counsel for the applicant that prima facie commission of offence under Section 3(1)(x) of the Act is not made out, in view of what has been stated by the complainant and it is a case of simple *marpeet* and dispute leading to registration of bailable offences only, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

- (I) he shall make himself available for interrogation by a police officer as and when required;
- (ii) 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 from disclosing such facts to the Court or to any police officer, *and*
- (iii) he shall cooperate with the investigation as and when he is called.

Sd/-
Manindra Mohan Shrivastava
Judge