

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1252 of 2015

1. Anuj Sahu, S/o. Devnarayan Sahu, aged about 19 years, R/o. Village-Sonpur, P.S. Surajpur, District – Surajpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. - Ajak Surajpur, District – Surajpur (C.G.)

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/01/2016

1. Apprehending arrest in connection with Crime No.14/2015 registered at Police Station- Ajak Surajpur, District – Surajpur (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 applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 14.10.2015, the complainant, Rakesh Kumar Sonwani while was going to school with his friend at that time, he was intercepted by the applicant and was assaulted and abused in the name of caste.
3. Learned counsel for the applicant would submit that the complainant and the accused both are the students and on trivial dispute between the student, the incident has happened and there was no intention exists to humiliate the complainant in the name of caste and the applicant himself was not knowing the caste of the complainant at the time of the incident. He would further submit that

considering the nature of dispute and the age of the applicant, the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the bail.
5. Perused the case diary and the statement of the complainant, Rakesh Kumar Sonwani. Perusal of the statement would show initially the complainant while coming alongwith his friend, it was objected and abused and on second day, the complainant while was going to school, he was restrained on his way and subsequently was beaten. Considering the statement and the way the offence has been committed, it do not show that there has been prima-facie intention to intimidate or insult, the complainant. In the result, the bar of Section 18 would not apply taking into the facts of this case and the nature of the allegation made. Considering the fact the dispute arose between the students, which aggravated and taking into the totality of the facts and and circumstances of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant 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/-
(Goutam Bhaduri)
Judge

Balram