

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 3 of 2016

1. Narsingh Sagar Yadav, S/o. Hemant Kumar Yadav, aged about 30 years, Caste-Mahkul, R/o. Makribandha, P.S. - Tapkara, Tahsil – Duldula, District – Jashpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Duldula, District – Jashpur (C.G.)

---- Respondent

For Applicant	: Mr. Harish Khuntiya, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/02/2016

1. Apprehending arrest in connection with Crime No.105/2015 registered at Police Station- Duldula, District – Jashpur (C.G.), for offence punishable under Section 294, 506 of the Indian Penal Code and Section 3 (1) (10) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 05.12.2015, the applicant entered into the premises of gram panchayat Makaribandha, wherein some altercation took place between the applicant and complainant, Premprakash Toppo as the applicant was not paid certain amount, thereafter, the applicant abused the complainant with filthy language and further abuse was made in the name of caste.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as no accident has happened and the applicant infact had made a report on 05.12.2015, which is Annexure A/2, as the applicant was not paid certain amount, despite the work done by the complainant for the

obvious reason, which resulted into filing of the report by applicant. He would further submit that neither the incident had happened nor anything took place and it was a counter blast to the complaint made by applicant. Therefore, the counsel, prays that the applicant may be extended the benefit of anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application.
5. The State counsel was directed to verify about the report made by the applicant, which is filed as Annexure A/2. On verification by the State, it has been stated that on the report of the complainant, statement of the CEO was recorded, wherein he has stated that nothing in sort the incident had happened in the office.
6. Perused the statement of the complainant, it appears that while the applicant was dealing with gram panchayat as he had carried out some construction work and during time of payment some altercation took place for the reason adequate amount was not paid, the report was made. Perusal of the FIR alongwith the statement of CEO, who is stated to be present on the spot, it appears that prima-facie the case under Section 3 (1) (10) is not made out. Taking into such facts, it appears that intention to humiliate the complainant was absent as it oriented about non-payment of amount, consequently, in the opinion of this Court the bar of Section 18 of the S.C. & S.T. (Prevention of Atrocities) Act would not apply, therefore, this Court is inclined to extend the benefit of anticipatory bail to the applicant, as no custodial interrogation may be required in this case.
7. 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, she shall be released on bail by the

officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge