

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 431 of 2016

Charu Mandal S/o Shushil Mandal Aged About 72 Years R/o Village
Naharunagar Post - Chandannagar P.S. - Ramanujganj Distt. -
Balarampur - Ramanujganj Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : P.S. Ramanujganj, Distt. -
Balarampur - Ramanujganj Chhattisgarh

---- Respondent

For applicant – Shri Vineet Kumar Pandey, Advocate.
For Respondent/State –Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/05/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 04/2016 registered at Police Station Ramanujganj Distt. Balarampur Ramanujganj (C.G.) for offence punishable under Section 147, 148, 294, 323, 506 of IPC and 3 (1-X) of S.C. & S.T. (Prevention of Atrocity) Act, 1989.
2. As per the prosecution case on 7/01/2016 when complainant Sunylal Kujur aged about 28 years went to market to fetch vegetables, at that time applicant along with others came there abused in the name of caste that he has encroached upon the land of the applicant and thereafter has assaulted the complainant, thereby offence is committed.
3. Learned counsel for the applicant submits that the dispute arose because of the fact that complainant has encroached upon land allotted to the applicant and the family members for which a demarcation application was filed by the applicant which was opposed by the complainant for which a report was made to the Police Station Ramanujganj on 6/01/2016. He relied on the document filed which is report made to the Police Station

Ramanujganj on 6/01/2016 and would submit that in order to counter the same false allegations have been levelled, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the case diary and the statement. Applicant as has been stated to be 72 years of age. It has been stated that dispute arose because of encroachment over the land. FIR would not show direct allegation against this applicant and joint allegations have been levelled. Statement of Nanka Kujur father of the complainant perused. He has also not stated about complainant was abused in the name of caste by this applicant. Considering the same, bar of Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 would not be applicable. Taking into facts of the case and age of the applicant as he is stated to be 72 years of age, I am inclined to extend 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 local 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) 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