

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 597 of 2016

Satanand Pandey S/o Sharan Pandey (The Correct Name Of Father Is Awadh Sharan Pandey), Aged About 57 Years, R/o Village Dhanpur, Police Station Pendra, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Pendra, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant –Shri Rakesh Pandey, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/08/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 146/2016 registered at Police Station Pendra, District Bilaspur for offence punishable under Sections 186, 294, 323, 332, 353, 506/34 of the Indian Penal Code and Section 3 (1) (R) (D) (wrongly mentioned) of SC/ST Prevention of Atrocities Act, 1989.

2. As per the prosecution case, on 10/05/2016 a report was made by one Deputy Ranger Hajari Lal Baghel that the applicant alongwith his son Mukesh Kumar Pandey came there and abused the complainant as he was investigating the fact that some of the persons were constructing the house by using wooden logs. Therefore, when he went to the spot, complainant was abused and assaulted.

3. Learned counsel for the applicant submits that the dispute was existing in between the complainant and the applicant as the applicant is also working in forest department and his son was working as daily wager under the Deputy Ranger Hajari Lal Baghel who has lodged report. It is further submitted that since wages of the son was not paid as such report was earlier

made on 30/03/2016 to the Police Station that for four months said Mukesh Kumar Pandey son of the applicant has not been paid wages and as a counter blast to this false report has been made. He further relies on a judgement of this court in between **Smt. Pramila Bai & Ors Vs. State** reported in **2007 (1) Crimes 213** and would submit that abusing only would not take the offence within definition of word atrocity used by the legislature and utilization of Section 3 (1) (x) of the Act is misused, therefore he submits that applicant may be granted benefit of anticipatory bail.

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

5. Perused the FIR and the statement in the background of this case. Perusal of the case diary would show that for some other reason dispute arose, therefore *mens rea* prima facie appears to be missing. Taking into totality of the facts and following the principles laid down in case of **Smt. Pramila Bai** (supra), 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

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