

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 888 of 2017**

1. Pragya Sahu W/o Tulsi Sahu, aged about 28 years, R/o Village Parsada Joshi, Police Station Rajim, Tahsil Rajim, District Gariyaband, Chhattisgarh
2. Tulsi Sahu S/o Mayaram Sahu (wrongly typed as Gayaram Sahu), aged about 42 years, R/o Village Parsada Joshi, Police Station Rajim, Tahsil Rajim, District Gariyaband, Chhattisgarh

**---- Applicants****Versus**

State of Chhattisgarh through Police Station Rajim, District Gariyaband,  
Chhattisgarh

**---- Respondent**


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| For Applicants        | : | Shri Manoj Paranjpe, Advocate   |
| For Respondent/State: |   | Shri D. R. Minj, Govt. Advocate |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****30/11/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicants apprehending their arrest in connection with Crime No. 122/2017 registered at Police Station Rajim, District Gariyaband (CG) for the offence punishable under Sections 294, 506, 323, 147 of IPC and Section 3 (1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. As per the prosecution case, the present applicants are said to have caught hold of complainant Benraz Soni by his collar and abused him of his caste and also used filthy language.

3. Counsel for the applicants submits that it is a case of false implication and there are lot of complaints registered against the complainant himself at Police Station and one such FIR was lodged on

25.11.2015 which is Annexure A-5 along with the bail application. He submits that the two applicants before this Court are husband and wife and they are Sarpanch and Up-Sarpanch of village Parsada Joshi, Tahsil Rajim, District Gariyaband. He further submits that because of political motive and the fact that the present applicants had been hampering the business of the complainant in selling of sand from the river bed flowing through the said village, a false complaint has been lodged against the applicants. Thus, prayed for grant of anticipatory bail to the applicants.

4. State counsel, however, opposes the bail application on the ground that it is a case where there are statements of the villagers as well as that of the complainant to implicate the applicants with direct allegations, therefore, the applicants may not be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record particularly the fact that except for the offence under Section 3 (1) (x) of SC & ST Act, all other offences are bailable and also taking note of the past antecedents of the complainant coupled with the fact that the applicants herein are Sarpanch and Up-Sarpanch, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicants in connection with the aforesaid offence, they will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the Officer arresting them or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;

- (ii) that the Applicants 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 Applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the Applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

**Sd/-**  
**(P. Sam Koshy)**  
**Judge**