

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 405 of 2017**

1. Abhi Lal Yadav S/o Sundadhur Yadav Aged About 25 Years R/o Village, Gohadidipa, Thana, Lailunda, District - Raigarh, Chhattisgarh.
2. Shyam Sunder Yadav S/o Sunadhur Yadav Aged About 20 Years R/o Village - Gohadidipa, Thana-Lailunga, District - Raigarh, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through : Thana-Lailunga, District - Raigarh, Chhattisgarh.

---- Non-applicant

For Applicants: Mr. Sanjay Agrawal, Advocate
 For State: Mr. Washim Miyan, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****14.06.2017**

1. Apprehending arrest in connection with Crime No. 65/2017 registered at Police Station- Lailunga, District - Raigarh (C.G.), for offence punishable under Sections 294, 506, 323, 427/34 of the Indian Penal Code and 03(1)(10) of the SC/ST Act, the applicants have preferred this application for grant of anticipatory bail.
2. The allegation against the present Applicants as per the prosecution case is that the present Applicants is said to have used abusive language and tried to assault the Complainant - Jai Narayan Singh on 13.03.2017, therefore, the aforesaid offence against the present Applicants has been registered.
3. According to the Applicants excepts for the offence under

Section 3(1) (10) of the SC/ST Act all the others are bailable offence. Learned Counsel for the Applicants submits that a plain reading of the statement of the Complainant reveals that there is no ingredient by which the said offence under Section 3(1)(10) of the SC/ST Act is said to have been made out.

4. Learned State Counsel opposing the bail application reads the statement of the Complainant- Jai Narayan Singh.
5. A plain reading of the contents of the complaint itself reveals that except the use of abusive language there is no reference of any occurrence of caste of the Complainant made by the present Applicants in the course of altercation and assault they had with the Complainant. So far as the assault and abusive languages are concerned they are all bailable offence.
6. Taking into consideration these facts, this Court is of the opinion that the present is a fit case for grant of anticipatory bail.
7. Accordingly, the MCRCA is allowed.
8. It is directed that in the event of arrest of the Applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The Applicants shall also abide by the following conditions :
 - (i) that the Applicants shall make themselves available for interrogation before the 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)
V. JUDGE