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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 646 of 2017**

Nira Prasad Yadav, S/o. Shri Parmanand Yadav, aged about 45 years, By Caste- Yadav, Occupation – Government Service, (Panchayat Secretary) Gram Panchayat : Laxmipur, Tahsil Dharamjaigarh, R/o. Present Address : Purana Bhattipara, Ward No.11, Dharamjaigarh, Tahsil & Police Station – Dharamjaigarh, District – Raigarh (C.G.)

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station - Dharamjaigarh, District – Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ajeet Kumar Yadav, Advocate
For Respondent/State	: Mr. Sumit Jhanvar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/11/2017**

1. Apprehending arrest in connection with Crime No.145/2017, registered at Police Station- Dharamjaigarh, District – Raigarh (C.G.), for offence punishable under Section 294, 323, 506 of the Indian Penal Code and Section 3 (1) (10) Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. The complainant in this case is a journalist, who was making illegal demand from the applicant and on refusal by the applicant to fulfill the demand made,

a *Marpit* occurred between the applicant and the complainant. The applicant has lodged FIR against the complainant alleging in it that complainant caused obstruction in performance of government duty. After lodging of the FIR by the applicant, the complainant has in counter blast lodged false FIR against the applicant. It is prayed that applicant is willing to abide by all the conditions imposed for his release on bail. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that Section 18 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act does not permit anticipatory bail in cases of offence registered under this act, hence for this reason, the application may be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. As per the case against the applicant, complainant -Jagdish Kurre, a member of scheduled caste had applied for some information from the office of Gram Panchayat, Laxmipur, under Right to Information Act. Being enraged by the application filed by the complainant, applicant used abusive words for the complainant mentioning his caste and also thrashed him causing injuries and further threatened him. On the basis of written complaint submitted, FIR has been lodged and case has been registered.
6. The documents filed along with the application shows that one written complaint has been filed by the applicant as well in Police Station – Dharamjaigarh and there is endorsement of receipt in the

same. In the order dated 11.01.2007, passed by this Court in case of Praveen Kumar Sahu Vs. State of C.G, passed in M.Cr.C.(A) No.3914/2006, it was held that if on perusal of the contents of the FIR, the reason behind the incident does not appear to be clearly established that reason for commission of offence had been the caste of the complainant in that case, the provisions under Section 18 of S.C. & S.T (Prevention of Atrocities) Act would not be attracted.

7. Considering on the facts of this case, I am of this view that the reason of dispute had been a different one, because the complainant had applied for some information under Right to Information Act because of which, the applicant got enraged and used abusive words in flow including name of caste of the complainant. The question is left open to be determined by the trial Court as to whether the applicant intended to insult complainant by using name of caste along with other abusive words. In the present state of things I am of this view that Section 18 of the Act is not attracted in this case. Taking into consideration such facts and further considering the over all circumstances of the case, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed. 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 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) 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram