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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No.389 of 2018**

Goverdhan Prasad Yadav, S/o. Parshuram Yadav, Aged About 40 Years, Caste- Mahkul, Occupation- Up Sarpanch, Village Panchyat Pandripani Teh. Farshabahar, District- Jashpur, Chhattisgarh, R/o- Village Pandripani, Teh. Farshabahar District- Jashpur, Chhattisgarh. Civil And Revenue District- Jashpur, Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through- Station House Officer, Farshabahar, District- Jashpur, Chhattisgarh.

**---- Respondent**


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| For Applicants       | : Mr. Arun Kumar Shukla, Advocate |
| For Respondent/State | : Ms. Smita Ghai, Panel Lawyer    |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****22/06/2018**

1. Apprehending arrest in connection with Crime No.50/2017, registered at Police Station – Farsabahar, District – Jashpur (C.G.) for offence punishable under Section 294, 506, 354 (क) (1) (iv) of the Indian Penal Code and Section 3 (1) (10) of S.C. & S.T. (Prevention of Atrocity) Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out under Section 354 (A) (1) (iv) and Section 3 (1) (10) of the S.C. & S.T. (Prevention of Atrocity) Act against the applicant. Applicant is Upsarpanch of Gram Panchayat – Pandripani. On account of some dispute with Sarpanch/complainant, she has lodged totally a false

FIR against the applicant. Therefore, 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 submissions made in this respect. It is submitted that FIR and the statement of the complainant is complete with all the allegation against this applicant, hence, the applicant is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, on the date of incident, there had been a meeting of gram panchayat in which a dispute arose between the applicant and Sarpanch/complainant -Kunwarmati, who happens to be a member of scheduled tribe and in the exchange of hot words, it is alleged that the applicant called her by the name of her social status and used abusive words and threatened her. A written complaint was filed by the complainant, on the basis of which, FIR has been lodged.
6. Reliance has been placed on the judgment passed in case of ***Yogeshwar Kumar Sahu Vs. State of C.G. & Ors.***, reported in ***2015 (5) C.G.L.J. 282***, in which relying the judgment of this Court in case of ***Bhupendra Das Vaishnava & Anr. Vs. State of C.G.***, reported in ***2006 (3) CGLJ 88***, wherein it has been held that on perusal of the FIR, if the, intention to commit offence under Atrocities Act is not made out in that case, bar under Section 18 of the S.C. & S.T. (Prevention of Atrocity) Act shall not be applicable.
7. Considered the submission made and the contents of the case diary. After due consideration on all the material present in the case

diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. is allowed.
9. 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 him by the said Court till disposal of the trial.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge