

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 543 of 2018

1. Mahesh Gupta S/o Shri Ramdhan Gupta, Aged About 42 Years, Occupation Cultivator R/o Village Karrapali, P.S. Tamnar District Raigarh Chhattisgarh Civil And Revenue District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
2. Ramdhan Gupta S/o Late Shri Upendra Gupta, Aged About 65 Years, Occupation Cultivator R/o Village Karrapali, P.S. Tamnar District Raigarh Chhattisgarh Civil And Revenue District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Thana In Charge Tamnar, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicants – Shri Rajendra Tripathi, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-07-2018

1. Apprehending arrest in connection with Crime No.05/2018, registered at Police Station – Tamnar, District Raigarh, Chhattisgarh for offence punishable under Section 294, 506b, 323, 34 of the IPC and Section 3(1)(द)(घ), 3(2)(5)A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short 'the SC/ST Act), the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No offence is made out under the provisions of the SC/ST Act according to the material present in the case diary. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. Allegation against these applicants is this, that on the date of incident they abused, threatened and then assaulted the complainant T.K. Rathiya with club causing him injury. This allegation has also been added that the applicants

knowingly well that the complainant belongs to Scheduled Tribe have abused, threatened and assaulted him. Hence, this case.

6. On perusal of the FIR, it is not made out that, the intention of the applicants was to insult the complainant for the reason that he belonged to Scheduled Tribe, hence, there may not be prima facie a case under the provisions of the SC/ST Act and therefore, I am of this opinion that bar under Section 18 of the SC/ST Act shall not be applicable in this case, hence, the application deserves to be allowed.

7. Accordingly, the anticipatory bail application is allowed. 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 each of them 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 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge