

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 710 2018**

Ramlakhan Yadav, S/o. Late Sarju Yadav, Aged About 48 Years, Caste - Ahir, Occupation Agriculturist, R/o. Village Pahadkhadua, P.S. And Tahsil Rajpur, District Ramanujganj - Balrampur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Rajpur, District Ramanujganj - Balrampur Chhattisgarh.

---- Respondent

For Applicant	: Ms. Hamida Siddiqui, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/07/2018**

1. Apprehending arrest in connection with Crime No.28/2018, registered at Police Station – Rajpur, District– Ramanujganj – Balarampur (C.G.) for offence punishable under Section 294, 323, 506 of the Indian Penal Code and Section 3 (1) (द) (घ) of SC/ST (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 the applicant has been falsely implicated in this case. Simply because of the quarrel between the applicant and the complainant regarding some land dispute, the complainant has made false allegation using his social status. Hence, no case is made out. 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 looking to the statement of the complainant under Section 161

of Cr.P.C. the bar under Section 18 of the Atrocities Act is applicable in this case, hence, no case is made out for grant of bail.

4. Counsel for the objector adopts the argument submitted by the State counsel and submits that the applicant is not entitled to be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. As per prosecution case, it is alleged that on the date of incident on account of some land dispute between the applicant and the complainant, the applicant assaulted, abused and threatened the complainant. While abusing the complainant, it is alleged that the applicant called him by the name of his tribe and insulted him. Hence, this case.
7. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary, it appears that the real cause of incident was not that the complainant belonged to scheduled tribe, but it had been a dispute regarding some land, hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application 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

Balram