

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 827 of 2018

1. Lingraj Barik S/o Late Aaklo Barik Aged About 60 Years Caste Kolta, R/o Village Kishanpur, Post Office And Police Station Pithoura, District Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh
2. Surendra Kumar Sahu S/o Shri Radheshyam Sahu Aged About 42 Years Caste Kolta, R/o Village Kishanpur, Post Office And Police Station Pithoura, District Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pithoura, District Mahasamund, Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Shivendu Pandya, Advocate.
For Respondent/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/08/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.98/2018 registered at Police Station-Pithoura, District – Mahasamund (C.G.), for the offence punishable under Section 294 of the Indian Penal Code and Section 3 (1) (m) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case because both are members of the Gram Panchayat, Kishanpur, who have been constantly making complaint against complainant Suresh Khunte, who is Sarpanch of that Panchayat regarding corruption in the Panchayat activities. Earlier a complaint was given to the police-station-Pithoura on 27.5.2016, and similar complaint was given to Superintendent of Police, Mahasamund on 29.5.2016 because of which the complainant is keeping grudge against them. A totally false allegation has been made by the complainant regarding incident dated 13.10.2017. Belatedly the complaint was filed by him on 16.10.2017. Hence, it is prayed that they may be released on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the application for anticipatory bail is not maintainable looking to the bar under Section 18 of SC/ST (Prevention of Atrocities) Act as the complainant has made direct allegation against the applicants that they intentionally insulted him by calling his caste name in public place.
4. Heard the parties and perused the case diary.
5. It is alleged that on the date of incident during the meeting of Gram Panchayat both the applicants had some dispute with the complainant regarding taxation policy and in that incident they abused the complainant in the name of his caste, as the complainant belongs to Scheduled Caste community. Hence, this case.
6. Considered on the material present in the case diary, as it appears the

cause of dispute was not the caste of complainant and also for the reason that the applicants had been constantly making complaint against the complainant about his corruption in the Panchayat activities, I am of this view that the bar under Section 18 of SC/ST Act is not applicable in this case.

7. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the 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/-

(Rajendra Chandra Singh Samant)
Judge