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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 874 of 2018**

1. Dayashanker Yadav S/o Shri Somaru Yadav Aged About 28 Years R/o Village Dharmi, P. S. Ramchandrapur, District Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Surendra Yadav S/o Shri Mani Yadav Aged About 31 Years R/o Village Dharmi, P. S. Ramchandrapur, District Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station In Charge P. S. Ramchandrapur, District Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Respondent

For the Applicants : Ms. Soniya Kuldeep, Advocate.
 For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 10 of 2018, registered at Police Station – Ramchandrapur, District – Balrampur-Ramanujganj, Chhattisgarh for the offences punishable under Sections 294, 506 and 323/34 of the Indian Penal Code and Section 3(2)(v)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is submitted by counsel for the applicants that the applicant have been falsely implicated in this case. No case is made out against the applicants under the provisions of Prevention of Atrocities Act. The complainant has lodged totally false FIR regarding making allegation about his insult on caste basis. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. On 2.3.2018, a dispute arose between the applicants and complainant – Lachoo as the complainant refused to graze the domestic pigs of the applicants. It is alleged that the applicants thrashed and abused him by using his caste name. Complainant – Lachoo belongs to Scheduled Caste. Hence, this case.

7. Considering the material present in the case-diary, it appears that the main reason of dispute between the applicants and the complainant had been that the complainant refused to graze pigs. Hence, I am of this view that the Bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not applicable in this case. After due consideration, I feel inclined to grant anticipatory bail to the applicant.

8. 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 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. They 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 them 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