

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 985 of 2018**

1. Gyaneshwar Karma S/o Late Ganga Peddi Aged About 44 Years R/o- Patnampara Sukma, P.S. Sukma, District- Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh
2. Bhupendra Kumar @ Prashant Peddi S/o Gyaneshwar Aged About 21 Years R/o- Patnampara Sukma, P.S. Sukma, District- Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh
3. Yogesh Kumar Peddi S/o Rama Peddi Aged About 28 Years R/o- Kalarpara Jirampal, P.S. Sukma, District- Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh
4. Ravi Kumar Nagul S/o Bojja Nagul Aged About 19 Years R/o- Kalarpara Jirampal, P.S. Sukma, District- Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through- Police Station- Gadiras, District- Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh.

---- Respondent

For the Applicants : Shri Shrawan Agrawal, Advocate.
 For the Respondent/State : Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.09.2018**

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. 6 of 2018, registered at Police Station – Gadiras, District – Sukma, Chhattisgarh for the offences punishable under Sections 146, 147, 148, 149, 294, 323 and 506 of the

Indian Penal Code and Sections 3(1)(da) and 3(1)(dha) 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. All the applicants are themselves members of the Scheduled Tribes, hence, the offences registered under the Atrocities Act are not applicable to them. Regarding rest of the offences that were registered against the applicants are bailable in nature. Totally false statement has been given by the complainant in this case which is without any substance and proof. 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. According to the FIR lodged by complainant – Podiyami Hidma on the date and time of incident, Mango Festival was being celebrated in the house of Nagul Nakesh where the applicants came and forcefully asked to stop the music and celebration. It was at that time, the applicants were abused, threatened and thrashed the complainant and others. It is further alleged that the applicants insulted the complainant by calling his caste name. Hence, this case.

7. Considering the material present in the case-diary, it appears that the applicants themselves belong to Scheduled Tribe, hence, the offences

registered under Scheduled Castes and Scheduled Tribes are not applicable against the applicants otherwise, all the offences registered against the applicants are appears to be bailable in nature. After due consideration, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

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