

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1013 of 2018**

Badri Vishal Gupta, S/o. Shri Ramdas Gupta, Aged About 49 Years, Occupation- Contractual Teacher, R/o- Navodya Parisar School Kenapara, Baikunthpur, District- Korea, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Baikunthpur, District- Korea, Chhattisgarh.

---- Respondent

AND**M.CR.C.(A). No. 1015 of 2018**

Jiyut Kumar Chakarvarty, S/o. Shri Gyandas Chakravarty, Aged About 32 Years, Occupation- Contractual Teacher, R/o- Navodya Parisar School Kenapara, Baikunthpur, District- Korea, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station Baikunthpur, District- Korea, Chhattisgarh.

---- Respondent

For Applicant : Dr. N.K. Shukla, Sr. Advocate with
Mr. Ashiwn Panicker, Advocate

For Respondent/State : Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/09/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. Apprehending arrest in connection with Crime No.124/2018, registered at Police Station – Baikunthpur, District – Korea (C.G.) for offence punishable under Section 323, 342, 506 read with Section 34 of the Indian Penal Code and Section 75 of Juvenile Justice Act, 2015 and Section 3 (1) (d) of Scheduled Caste and

Scheduled Tribe (Prevention of Atrocity) Act, the applicants have preferred these applications for grant of anticipatory bail.

3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The offence registered under Section 3 (1) (d) of S.C. & S.T. (Prevention of Atrocity) Act is altogether not made out in this case and rest of the offences are bailable, hence for this reason, the applicants are apprehending their arrest. The applicants are teachers by profession. Hence, it is prayed that the applicants may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the applicant has brutally beaten, the victims who are students of the school, only for the reason that some unknown students had damaged the car of the applicant Badri Vishal Gupta and they also asked them to compensate for the repairs of the said car. Hence, applicants may not 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 alleged that on the date of incident on 11.07.2018, the car of the applicant Badri Vishal Gupta got damaged. It is alleged that both the applicants confined the victims in this case namely Ayush, Piyush and Umesh and thrashed them. When the children admitted that the car was damaged by them, they were asked to compensate for the same and also threatened with dire consequences. The victims in this case belong to scheduled caste and tribes because of which, the offence under Section 3 (1) (d) of

S.C.& S.T. (Prevention of Atrocities) Act has been added in this case.

7. Considered the submissions made and the contents of the case diary. On consideration of the entire material present in the case diary, there is no such allegation against the applicants to show that the alleged offence has been committed against the victims because of their social status, hence, the bar under Section 18 of the S.C.& S.T. (Prevention of Atrocity) Act would not be applicable in this case. Hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. 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 each 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram