

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1196 of 2018**

Pushpkant Yadav S/o Shivshankar Yadav Aged About 43 Years R/o Village Dindo, Chowki Dindo P.S. Trikunda, District - Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Chowki Dindo P.S. Trikunda, District - Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For the Applicant : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.10.2018**

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 applicant who is apprehending arrest in connection with Crime No. 25 of 2017 registered at police station Trikunda, District Balrampur Ramanujganj, Chhattisgarh for the offence punishable under Sections 186, 332, 353, 294, 506 and 147 of the Indian Penal Code and Section 3(1-b) 1(r)(s) 3(2-5A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Similarly placed co-accused person, namely,

Lalman Yadav in this case has been granted bail by this Court in M.Cr.C.(A) No.422 of 2018 vide order dated 6.7.2018. The fact is that the complainant and others came as a team of Excise Department in search of illicit liquor in village Dindo and during the search they outraged the modesty of two women, namely, Saraswati Devi and Sheela Devi because of which, these women have lodged a written complaint in police outpost Dindo of police station Tirkunda, on which no action has been taken by the police. Subsequent to which, a false FIR was lodged after about 6 days of the incident making false allegation against the applicant and the co-accused persons. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is ample evidence against the applicant and other co-accused persons and there is also an offence registered under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in which the application for anticipatory bail cannot be entertained by this Court. Hence, for these reasons, the applicant is not entitled for grant of anticipatory bail.

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

6. The case against the applicant and the co-accused persons is this, that on the date of incident when the complainant and others had been to the village Dindo for search of illicit liquor, the applicant and the co-accused persons assaulted the complainant and others, who are public servants and thus, deterred them from performance of their duties. Hence, this case.

7. Earlier no offence was registered under the provisions of Atrocities Act but in the investigation it was added later on. Similarly placed co-accused person, namely, Lalman Yadav in this case has been granted bail by this Court in M.Cr.C.(A) No.422 of 2018 vide order dated 6.7.2018. Hence, after due consideration of all the aspects of this case, I am of the considered opinion that the applicant deserves to be released on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge