

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1368 of 2018**

Santosh Kumar Yadav S/o Late Shyamu Yadav Aged About 42 Years R/o Ward No. 17, Tilda, Police Station Nevra, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Nevra-Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri A.D. Kuldeep, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.11.2018**

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.205 of 2016 registered at police station Nevra, District Raipur, Chhattisgarh for the offence punishable under Sections 294, 323, 506, 147, 342, 186, 332, 353 and 427 of the Indian Penal Code and Section 3(1)(gha) 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 persons have

been granted bail by this Court in M.Cr.C.(A) No. 794 of 2018, vide order dated 10.08.2018. 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 the offence of Atrocities Act has been registered in this case and the applicant is not a member of the Scheduled Caste or Tribe, hence, his application be rejected being barred under Section 18 of the Atrocities Act. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. As alleged, main accused – Manish Agrawal and others entered into the office chamber of complainant – Hemshankar Deshlahara, making allegation against him that he has published an advertisement for inviting tenders without the approval of the Municipal Council. It is alleged that there had been some exchange of words and scuffle took place between both the parties then the complainant who is a member of the Scheduled Caste was abused by his caste name.

7. After considering each and every aspect in the case-diary, 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 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