

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1426 of 2018

1. Smt. Urmila Shukla Wd/o Ramadhar Shukla Aged About 60 Years, Caste Brahmin, R/o Village Kelhari, Bichiyatola, Thana Kelhari, Tahsil Manendragarh District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Kelhari, Tahsil Manendragarh, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

MCRCA No. 1549 of 2018

1. Vijay Kumar S/o Late Ramadhar Shukla Aged About 24 Years, By Caste Brahman, R/o Village Kelhari Bichiyatola, Thana Kelhari Tahsil Manendragarh District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Jayprakash S/o Late Ramadhar Shukla Aged About 22 Years, By Caste Brahman, R/o Village Kelhari Bichiyatola, Thana Kelhari Tahsil Manendragarh District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through the Station House Officer Kelhari, Tahsil Manendragarh District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicants – Shri Nilkanth Malviya, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

19-11-2018

1. As both these applications arise out of the same crime number, i.e. Crime No.47/2017, registered at Police Station Kelhari, Tahsil Manendragarh District Koriya, Chhattisgarh for the offence under Section 294, 506, 323, r.w. 34 of the IPC and under Section 3(2)(v)(a), 3(1)(r)(d) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Atrocities Act'), they are being decided by this common order.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with

aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicants that apart from the offence registered under the Atrocities Act, rest of the offence are bailable in nature. There is no evidence of allegation regarding commission of any offence under the Atrocities Act. The FIR does not disclose any such allegation and the offence of the Atrocities Act was added later on, on the basis of later development, which shows that the case is concocted. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that there is clear evidence alleging commission of offence by the applicants, hence, they should not be granted anticipatory bail.

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

6. According to the FIR lodged by complainant Dev Singh, his daughter was mentally unsound, because of which, he was murmuring something, for that reason only applicant Smt. Urmila Shukla (applicant in MCRCA No.1426/2018) along with applicant Vijay Kumar (applicant No.1 in MCRCA No.1549/2018) abused, threatened, assaulted and injured the complainant and his wife. Hence, this case.

7. It is clear from perusal of the case diary that offence of the Atrocities Act has been added later on. Hence, after due consideration, I am of this opinion that this is a fit case for grant of anticipatory bail to these applicants.

8. Consequently, both these anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;

- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge