

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.A No. 1086 of 2017**

1. Smt. Sudha Singh W/o Late Lallo Singh, Aged About 67 Years R/o Jamnipali, Ward No. 47, Tahsil Katghora, District Korba Chhattisgarh., Chhattisgarh
2. Smt. Anju Singh W/o Late Lakhan Singh, Aged About 40 Years R/o Jamnipali, Ward No. 47, Tahsil Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Smt. Manisha Singh W/o Sanjay Singh, Aged About 30 Years R/o Jamnipali, Ward No. 47, Tahsil Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
4. Sanjay Singh S/o Late Lallo Singh, Aged About 40 Years R/o Jamnipali, Ward No. 47, Tahsil Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh
5. Lakhan Singh S/o Late Lallo Singh, Aged About 48 Years R/o Jamnipali, Ward No. 47, Tahsil Katghora, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Ajak, District Korba Chhattisgarh., Chhattisgarh

---- Respondent

For the Applicants : Shri Sudhir Verma, Advocate.

For the Respondent/State : Shri Vijay Bhadur, Singh. PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01.02.2018

1. Apprehending arrest in connection with Crime No.12/2017 registered at Police Station – Ajak, District –Korba, (C.G.), for offences punishable under Section 456, 323, 294, 427, 506-B of the Indian Penal Code and Section 3 (1) (d), 3 (1) (e) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that applicants have been falsely implicated in this case, only for the reason that there is land dispute between the complainant - (Firtin Bai), who is a member of scheduled tribes by mis-using her social status, she is trying to take possession of the disputed land. No case is made out against the applicants, therefore, it is prayed that the applicants may be enlarged on anticipatory bail. Learned counsel for the applicants has placed reliance on the judgment of this Court in the case of **Abdul Abbas Versus State of C.G.** reported in **2005 (2) C.G.L.J. 235**, in **M.Cr.C. No. 139/2005**, order dated 13.04.2005, In which it is held that if the cause of dispute is not specified as related to social status in that case the bar under Section 18 of the Act, shall not applicable.
3. Learned counsel for the State opposes the bail application and submits that there is sufficient evidence and prima facie case against the applicants, hence, they are not entitled for grant of anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.
5. It is alleged that on the date of incident the complaint - (Firtin Bai) had encroached upon the Government land and raised the construction, which was removed by the revenue authorities and it was stated that the complainant had also encroached upon the same land belonging to the applicants because of which the applicants used to quarrel with the complaint, every now and then. On the date of incident, for the same reason the applicants came on the spot and after using abusive words and naming complaint by her caste assaulted her. After lodging the FIR by complaint the case has been registered.
6. Considered. Taking into consideration this fact that the case relates to the dispute regarding land in this case, on which the complainant has encroached and raised construction, hence, I am of the opinion that bar under Section 18 of Prevention of Atrocities Act, shall not be applicable in this case. Taking into consideration all the facts and circumstances of this case, this Court is of the opinion that the case of anticipatory bail is made out in favour of the applicants, hence, the applicants should be enlarged on anticipatory bail.
7. 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 offences, they shall be released on bail by the officer arresting on each of them 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal