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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1537 of 2018**

Manoj Jain S/o Subhash Chand Jain Aged About 48 Years R/o Ward No.4,
Main Road Dallirajhara, Tahsil- Dondi, Police Station- Rajhara, Civil And
Revenue District- Balod, Chhattisgarh., District : Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station-
Rajhara, Civil And Revenue District- Balod, Chhattisgarh., District : Balod,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Kamal Kishore Patel, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.12.2018**

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. 03 of 2018, registered at Police Station – Rajhara, District – Balod, Chhattisgarh for the offences punishable under Sections 294, 323 and 506/ 34 of the Indian Penal Code and Section 3(1)(10) and 3(1)(D) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. It is submitted by counsel for the applicant that apart from the offence under Atrocities Act, rest of the offences which are registered against the

applicant are bailable in nature. No case is made out against the applicant under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. 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.

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

6. On the date of incident, on account of some dispute regarding the supply of faulty Wi-Fi device by the complainant, it is alleged that the applicant abused, threatened and thrashed the complainant causing him simple injuries. As the complainant belongs to Scheduled Tribe, the offence under the Atrocities Act was added.

7. Considered the entire material present in the case-diary. It appears that the addition of offences under the Atrocities Act is a lateron development. Hence, 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