

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1572 of 2018**

1. Prakash Yadav, S/o. Shri Chheduram Yadav, Aged About 39 Years, Occupation- Agriculturist, R/o. Village- Bodhapara, Thana- Lalpur, Civil and Revenue District- Mungeli, Chhattisgarh.
2. Bhupendra Yadav, S/o. Shri Chheduram Yadav, Aged About 27 Years, Occupation- Agriculturist, R/o Village- Bodhapara, Thana- Lalpur, Civil and Revenue District- Mungeli, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station- Lalpur, District- Mungeli, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/12/2018**

1. Apprehending arrest in connection with Crime No.91/2018, registered at Police Station – Lalpur, District – Mungeli (C.G.) for offence punishable under Section 294, 506, 323/34 of the Indian Penal Code and Section 3 (1) (r) (S) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The FIR that was lodged on 22.06.2018 speaks about commission of offence

only under Section 294, 506, 323/34 of the Indian Penal Code, but subsequent to that the complainant – Ritik Khandekar filed a W.P. (Cr.) No.532/2018, before this Court, in which by order dated 13.05.2018 the Court has directed for registration of offence under the provision of Atrocity Act. Hence, the offence under the Atrocity Act have been added because of which these applicants apprehend their arrest. The offence under Atrocity Act is not made out against these applicants. Hence, for this reason, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is evidence present regarding the commission of non-bailable offence against the applicants. Therefore, the applicants may not be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. FIR was lodged on 22.06.2018 by the complainant alleging simple use of abusive words, threatening words and assault and injuries against the applicants.
6. Considered the submissions made and the contents of the case diary. The addition of offence under the provision of Atrocity Act is later on development, therefore, taking into consideration the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge