

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1505 of 2018

1. Radheshyam Pandey S/o Late Durga Prasad Pandey, Aged About 66 Years, R/o Kesharuwadhi, P. O. Padampur, P. S. Jarhabhata, Tehsil And District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jarhabhata, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Non-applicant

MCRC No. 9100 of 2018

1. Manish Pandey S/o Radheshyam Pandey, Aged About 30 Years, R/o Kesarvadih, Police Station- Jarhagaon, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicants – Shri Awadh Tripathi, Advocate.

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

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

05-12-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.35/2018, registered at Police Station - Jarhagaon, District- Mungeli, C.G., they are being decided by this common order.

2. MCRCA No.1505/2018 has been filed under Section 438 of the Cr.P.C. by applicant Radheshyam Pandey for grant of anticipatory bail as he is apprehending arrest in the aforesaid crime number for the offence under Section 294, 323, 506/34 of the IPC and Section 3(1)(10) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short 'the SC/ST Act'). Applicant Manish Pandey has filed MCRC No.9100/2018 for grant of regular bail as he has been arrested on 25-10-2018 in connection with aforesaid crime number for the offence under Section 294, 506, 323, 147, 148, 149, 341 of the

IPC and Section 3(1)(10) of the SC/ST Act.

3. It is submitted by learned counsel for the applicants that these applicants have been falsely implicated in this case. No case is made out against these applicants. Apart for the offence under Section 3(1)(10) of the SC/ST Act, rest of the offences registered against them are bailable. No case is made out for the offence under the provisions of Section 3(1)(10) of the SC/ST Act. Hence, it is prayed that applicant Radheshyam Pandey may be benefited with grant of anticipatory bail and applicant Manish Pandey may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications.

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

6. According to the FIR lodged on 24-01-2018 at about 9 to 10 a.m., these applicants along with co-accused persons abused, threatened, assaulted and thrashed the complainant and others causing simple injuries to them. As alleged that the complainant party belong to the Scheduled Castes, the offence has been registered accordingly.

7. Considered on the evidence regarding allegation of commission of offence under the provisions of the SC/ST Act. After due consideration, I feel inclined to allow both these applications.

8. Accordingly, the anticipatory bail application (MCRCA No.1505/2018) filed by applicant Radheshyam Pandey is allowed. It is directed that in the event of arrest of applicant Radheshyam Pandey 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. This applicant shall also abide by the following conditions :

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

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

9. MCRC No.9100/2018 filed by applicant Manish Pandey under Section 439 of the Cr.P.C. for grant of regular bail is also allowed. It is directed that this applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge