

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1609 of 2018**

Farzam Hussain S/o Fakruddin Aged About 56 Years Cast Muslim R/o Shantinagar M 232 Rajnagar Police Station Bijury /Rajnagar Tahsil Kotam District Anuppur Madhya Pradesh ., District : Anuppur, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer ,police Station Ajak Baikunthpur District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri Shakti Raj Sinha, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.12.2018**

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. 9 of 2018, registered at Police Station – AJAK, Baikunthpur, District – Koriya, Chhattisgarh for the offences punishable under Sections 294, 506, 323 and 147 of the Indian Penal Code and Sections 3(1)(r)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No such offence has been committed as it is

alleged in the FIR. In fact complainant – Gurubachan Singh in Crime No. 118 of 2018 had been arrested by the police on 1.10.2018 at about 10:00 am and that date and time of offence in this case is also same. Apart from that, dispute regarding land was continuously going on between the applicant party and the complainant party in which the favourable orders were passed in favour of the applicant. Further the date of the incident as stated is 1.10.2018 whereas, FIR has been lodged on 4.10.2018 which shows due deliberation and concoction. Hence, it is prayed that this applicant may also be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the statement given by the complainant and other witnesses, no case is made out for grant of anticipatory bail to the applicant.

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

6. Complainant – Gurubachan Singh has lodged FIR stating that on the date of incident this applicant alongwith other co-accused persons were encroaching upon the land belonging to the complainant. The complainant made an attempt to stop this encroachment then he was abused, threatened, assaulted and injured by the applicant and the co-accused persons. He was also insulted on the ground of his social status. Hence, this case.

7. Considered the entire material present in the case-diary. It is a case of land dispute. The only non-bailable offence registered against the

applicant are the offences under the Prevention of Atrocities Act, whereas, the other offences are bailable in nature. Hence, for these reasons, 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