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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 114 of 2019**

1. Mukesh Agrawal, S/o. Pryag Raj Agrawal, Aged About 32 Years, R/o. Kundla City, Ambikapur, Police Station- Ambikapur, District- Surguja, Chhattisgarh.
2. Abhishek Singh, S/o. Mahendra Singh, Aged About 32 Years, R/o. Mission Chowk, Kedarpur, Ambikapur, Police Station- Ambikapur, District- Surguja, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Scheduled Caste Welfare, Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicants	: Mr. Sushil Dubey, Advocate
For Respondent	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/03/2019**

1. Apprehending arrest in connection with Crime No.24/2018, registered at Police Station – Scheduled Caste Welfare, Ambikapur, District – Surguja (C.G.) for offence punishable under Section 294, 323/34, 506B of the Indian Penal Code and Sections 3 (1) (r) (s) and 3 (1) (F) (G) 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 the learned counsel for the applicants that the applicants have been falsely implicated in this case. No offence has been committed by these applicants under the provisions of S.C. & S.T. (Prevention of Atrocities) Act. In fact it had been free fight between the applicants and the complainant party because of some previous enmity. The assailants party took benefit of complainant, who belongs to scheduled tribe and have got registered the offence

under Atrocities Act, which is not at all applicable in this case. The applicants have also lodged FIR of the same incident on the same day in police station – Ambikapur, which is registered under Crime No.670/2018 and similar offences are registered against the complainant party except the offence under Atrocities Act. Therefore, 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 the FIR and the statement of the complainant discloses commission of offence under Atrocities Act, therefore, under the bar of Section 18 of the Atrocities Act, these applicants are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complainant – Sujit @ Chhotu is the member of scheduled tribe, who had been an employee of the applicants earlier. It is alleged that on the date and time of incident, on account of some previous enmity, these applicants abused and threatened the complainant and also insulted on the basis of his social status, thereafter, assaulted and injured him. Hence, this case.
6. Considered the submissions made and the contents of the case diary. As it appears that the incident has taken place on account of previous enmity and not for the reason that the complainant is member of scheduled tribe, hence for this reason, 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