

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 162 of 2019**

Amlesh Kumar @ Pappu (Wrongly Mentioned and added as Gupta). S/o Shivdayal, Aged About 28 Years, R/o. Village Dhodha, Kesra, Police Station Kunni, Tahsil Lakhanpur, District Surguja Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Police Of Police Station Scheduled Cast Welfare, Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant	: Mr. Govind Dewangan, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/02/2019**

1. Apprehending arrest in connection with Crime No.1/2019, registered at Police Station – Scheduled Caste Welfare, Ambikapur, District – Surguja (C.G.) for offence punishable under Section 294, 323 and 506 of the Indian Penal Code and Section 3 (1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present on record. In fact, the complainant – Sangeeta and Ratai, who are the

Manjhar by caste, were expelled out from the job by this applicant because of which, this false FIR has been lodged. Therefore, it is prayed that the applicant 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 clear allegation that this applicant abused, the complainants by their caste name, therefore, the bail application under Section 438 of Cr.P.C. is not maintainable under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that this applicant at first made phone call to the complainant Sangeeta and used abusive words and also called her caste name. Thereafter, on the next day, this applicant assaulted and thrashed the complainant, used abusive words and also threatened her regarding, which the complaint has been given.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, use of caste name by the applicant while abusing her is with intention to insult her caste name or not needs further investigation, therefore, for the present, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
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 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 him/her 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram