

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1641 of 2019**

- Bedu Pahadi Korva S/o Antram Pahadi, Aged About 50 Years R/o Hathimud, Rajgamar Police Station - Balconagar District Korba, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, P.C. Rajgamar Police Station Aajak Korba, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Shri Ashutosh Shukla, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**26/03/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 29/2018, registered at Police Chowki Rajgamar P.S. Aajak, Korba, Chhattisgarh, for the offence punishable under Sections 294, 186, 147, 353, 332, 333, 324 of IPC and Section 3(2)(5) SC/ST (Prevention of Atrocities) Act.
2. First bail application was earlier dismissed for want of prosecution vide order dated 19/02/2019 passed in MCRC No. 1204/2019.
3. As per prosecution story, on 30/09/2018 Complainant Varjun Singh (Constable) and another Constable Mahendra Sidar went to village Uparwara, Hathimuda to serve one permanent warrant which was issued against present Applicant. It is alleged that at that time, the Applicant alongwith other co-accused Devnandan Yadav, Naresh Yadav and Karthik Ram abused them and assaulted them. On the basis of said, report was made by Varjun Singh and thereafter, offence

has been registered. The Applicant has been taken into custody on 10.09.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that Applicant himself belongs to schedule tribe, therefore, *prima facie*, offence under Section 325 of SC/ST (Prevention of Atrocities) Act cannot be made out against the present Applicant. He also states that on the same fact of evidence, other co-accused persons namely Devnandan Yadav, Naresh Yadav, and Kartik Ram has already been granted bail by this Court vide order dated 16/11/2018 passed in MCRC No. 7676/2018. Applicant is in custody since 10.09.2018 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 10.09.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge