

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 399 of 2019

1. Urmila W/o Mukesh, Aged About 35 Years, R/o Village Jhagdakhand, P.S. Jhagdakhand, Tahsil Baikunthpur, District Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Shakuntala W/o Let Bajrangi Lal, Aged About 34 Years, R/o Village Jhagdakhand, P.S. Jhagdakhand, Tahsil Baikunthpur District Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Jhagdakhand, District Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Non-applicant

For Applicants – Shri Tarun Dansena, Advocate.

For Non-applicant/State – Shri Subhash Yadav, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-04-2019

1. Apprehending arrest in connection with Crime No.123/2018, registered at Police Station – Jhagdakhand, District Koriya, Chhattisgarh for offence punishable under Section punishable under Sections 294, 506, 323, 147, 34 of the IPC and Section 3(1)(द)(घ), 3(2)(v-क) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short 'the Atrocities Act'), the applicants have preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them. There had been a case of free fight between the applicants party and the complainant party. A counter case has also been also registered against complainant and others as Crime No. 124/2018 in the concerned police station for offences under Section 294, 323/34 and 506 of the IPC. Only because the complainant belongs to Scheduled Caste, the offences under the Atrocities Act had been added in the case against the applicants without any basis. Similarly,

placed co-accused persons Rakesh and Rina had been benefited with grant of anticipatory bail in MCRCA No.92/2019 by this Court vide order dated 05-02-2019. Therefore, it is prayed that this application may also be allowed.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. The FIR lodged against these applicants that they along with other co-accused persons formed unlawful assembly and then by using abusive words, threatened, assaulted and caused injuries to one Kamal who is husband of complainant Pramila. In the FIR lodged no offence was registered under the provisions of Atrocities Act, however, on the basis of statements recorded later on, these offences have also been added. Hence, this case.

6. Considered that the cause of dispute and incident is not specifically shown to be the reason that complainant Pramila had social status of being a member of Scheduled Caste, therefore, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil