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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 435 of 2019**

Smt. Indira Pradhan wife of Shri Dinesh Kumar Pradhan, aged about 43 years (Head Master, Primary School Paraskol) R/o. Housing Board Colony, Paraskol, Road Mahasamund, P.S. Tahsil and District Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station AJAK, Mahasamund, District Mahasamund Chhattisgarh.

---- Respondent

For the Applicant : Shri N.K. Chatterjee, Advocate.
For the Respondent/State : Shri I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.03.2019**

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. 650 of 2018, registered at Police Station AJAK, Mahasamund, District Mahasamund, Chhattisgarh for the offence punishable under Sections 294 and 323 of the Indian Penal Code and Section 3(1)(द) of the Scheduled Castes and Scheduled Tribes (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 case is made out regarding the commission of offence under Section 3(1)(द) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The FIR was initially registered for the offences under Sections 294 and 323 of the IPC, which are bailable in nature. Later on, only because the complainant is a member of Scheduled Tribe the offence under Atrocities Act has been added without any basis. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant in this case belongs to Scheduled Tribe and she was insulted and beaten by the applicant. It is further submitted that under the Bar of Section 18 of the Atrocities Act, the application under Section 438 of the Cr.P.C. cannot be entertained. Hence, 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. According to the FIR lodged on the date and time of incident, the applicant dragged the child of the complainant for the reason that she had spoiled her rangoli and started beating and abusing her. When the complainant came to intervene, she was also abused and beaten by the applicant. Hence, this case.

7. After considering the entire material present in the case-diary, the reason of the dispute appears to be something else other than the social status of the complainant, therefore, 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, she shall be released on bail by the Officer arresting her 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. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself 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 her by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge