

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 538 of 2019

- Deepak Agrawal, S/o Nanhuram Agrawal, Aged About 44 Years, R/o Gajanandpuram Raigarh Tahsil & District-Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station A.J.K. District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.

For Respondent : Mr. Samdarsh Nirankari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.19/2019 registered at Police Station-Sarangarh, District-Raigarh(C.G.), for the offence punishable under Section 186, 294 of the Indian Penal Code and 03(1)r, s of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)Act, 1989.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The offences under Section 186 and 294 of IPC are bailable. The offence under Section 03(1)r, s of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 has been erroneously registered as there is no allegation made by the complainant herself against this applicant, hence, it is prayed that applicant be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, the complainant is a member of Scheduled Tribes and she was posted as Nayab Tahsildar in the place of incident on the date of incident. It is alleged that the applicant arrived in her Court and insisted for hearing of his case, but the complainant refused to do so by saying that the case is of the jurisdiction of Tahsildar, therefore, she is not entitled to hear it, because of which the dispute arose in which this applicant abused the complainant and deterred her in performance of her official duty. From the FIR, it appears that there is no allegation made by the complainant regarding any insult to her social status, for this reason, I am of this opinion that this is a fit case where applicant should also be granted anticipatory bail.
6. 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, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha