

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 626 of 2019**

Chuleshwar Rathore, S/o. Shri Vishwanath Rathore, Aged About 43 Years,
Occupation - Service, R/o. Village Hardi Bazaar, Out Post Hardi Bazaar,
Police Station Kusmunda, Tehsil Pali, District Korba Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The District Magistrate Korba, District
Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Pandey, Advocate

For Respondent : Mr. Rahim Ubawani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**25/04/2019**

1. Apprehending arrest in connection with Crime No.3/2019, registered at Police Station – AJAK, Korba, District – Korba (C.G.) for offence punishable under Section 3 (1) (द) (प) of Scheduled Caste and Scheduled Tribe (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. On the basis of the contents of the FIR and the other material present, no case is made out against the applicant for commission of offence under Section 3 (1) (द) (प) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. The applicant had simply commented on the photographs of the meeting of Rathore Samaj about the presence of one person, who belongs to scheduled caste and one

person, who belongs to Yadav caste. The applicant did not want to insult any person on his caste. Therefore, it is prayed that the applicant be granted 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 after all what was the need to identify the person as the person belonging to scheduled caste, therefore, the case is made out.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Considered the submissions made and the contents of the case diary. Looking to the substance of allegation i.e. present against the applicant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
7. 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 today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram