

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C.(A). No. 609 of 2019**

1. Gaurav Gupta, S/o. Gagan Gupta, Aged About 31 Years, R/o. Jail Road, Babupara, Police Station -Ambikapur, Ambikapur, District Surguja Chhattisgarh.
2. Anoj Vishwakarma, S/o. Bheema Vishwakarma, Aged About 36 Years, R/o. Raigarh Road, Ambikapur, Police Station - Ambikapur, District Surguja Chhattisgarh.

**----Applicants**

**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Schedule Caste Welfare Ambikapur Surguja Chhattisgarh.

**---- Respondent**

**AND**

**M.CR.C.(A). No. 619 of 2019**

Jitendra Kumar Rajwade S/o Late Narendra Rajwade Aged About 30 Years R/o Nawagarh, Ambikapur, Police Station Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

**----Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Schedule Caste Welfare Ambikapur Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

**---- Respondent**

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| For Applicants       | : Mr. Aman Upadhyay, Advocate |
| For Respondent/State | : Mrs. Smita Jha, P.L.        |

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

**Order On Board**

**03/05/2019**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. Apprehending arrest in connection with Crime No.24/2018, registered at Police Station – Schedule Caste Welfare Ambikapur, Surguja (C.G.) for offence punishable under Section 294, 323/34, 506(B) of Indian Penal Code and Section 3(1) (r) (s) and 3 (1) (f) (G) of Scheduled Caste and Scheduled Tribe (Prevention of

Atrocities) Act, the applicants have preferred this application for grant of anticipatory bail.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present on record. Similarly placed co-accused person namely Mukesh Agrawal and Abhishek Singh have been granted anticipatory bail by this Court in M.Cr.C.(A) No.114/2019 vide order dated 29.03.2019. No case is made out against this applicant for the offence under Section 3(1) (r) (s) and 3 (1) (f) (g) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and rest of the offences are bailable in nature. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the FIR lodged, complainant Sujit @ Chhotu is the member of scheduled tribe was ex-employee in the concern of Mukesh Agrawal. It is alleged that on account of some previous enmity, these applicants and co-accused persons abused, threatened and also insulted him on the basis of his social status and then assaulted and injured him. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and the nature of the case against the applicants, this Court is

inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

8. Accordingly, both the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them 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 applicants shall also abide by the following conditions :
  - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
  - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
  - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge