

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 673 of 2019

1. Harshveer Singh Dhillon S/o Baljinder Singh, Aged About 27 Years, R/o Shitalapara, Kondagaon, Tahsil and District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh
2. Santosh Kumar Singh S/o Tribhun Singh, Aged About 29 Years, R/o Dongaripara Ward, Kondagaon, Tahsil and District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through The Police Station Kondagaon, District Kondagaon Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Harshwarhan Parganiha, Advocate.
For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

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

17-05-2019

1. Apprehending arrest in connection with Crime No.277/2016, registered at Police Station – Kondagaon, District Kondagaon, Chhattisgarh for offence punishable under Section 294, 323, 506, 34 of the IPC and Section 3(1)(द)(घ) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the SC/ST 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. Earlier the FIR was lodged against the applicants in which bailable offences under Section 294, 323, 506, 34 of the IPC were the only offences registered against them, but, in the later on development offence under Section 3(1)(द)(घ) of the SC/ST Act have been added, whereas, the appellants were already on bail from the remand Court itself. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that there is evidence of commission of offence under the provisions of the SC/ST Act, hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.

5. The complainant is a Ward Member. On account of some dispute she had hot talks with co-accused Santosh Kumar Nag. That Santosh Kumar Nag called the applicants for his assistance. It is alleged that these applicants abused her, threatened her and assaulted her and also insulted her by caste name of the complainant as she is a member of Scheduled Tribes. Hence, this case.

6. After considering that the applicants were already on bail through remand Court during pendency of the investigation against them and that the offence under the provisions of the SC/ST Act have been added in a later development, 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