

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 694 of 2019

1. Jahoor Khan, S/o Noor Mohammad Aged About 35 Years R/o Kenapara, Police Station And Tehsil Lakhanpur, District Surguja Chhattisgarh.
2. Sahil S/o Shabbir Mohammad Aged About 32 Years R/o Kenapara, Police Station And Tehsil Lakhanpur, District Surguja Chhattisgarh.
3. Naseeb Khan S/o Wazir Khan Aged About 30 Years R/o Kenapara, Police Station And Tehsil Lakhanpur, District Surguja Chhattisgarh.
4. Vijay S/o Aghanu Ram Yadav Aged About 32 Years R/o Kenapara, Police Station And Tehsil Lakhanpur, District Surguja Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, AJK Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicants : Mr. Nishikant Sinha, Advocate.

For Respondent/State : Mr. Lav Sharma, Panel Lawyer.

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

17/05/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.14/2019 registered at Police Station-AJK Ambikapur, District-Surguja(C.G.), for the offence punishable under Sections 294, 506B, 323, 451, 506, 34 of the Indian Penal Code & 3(1)(R-S), 3(1)(Z) of Schedule Caste & Schedule Tribe(Prevention of Atrocities)Act, 1989.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. It was a case of simple

dispute of remuneration that was charged by the complainant and there was no such reason on the part of the applicant to abuse the complainant by his case name. Apart from that the offence under the provision of Atrocities Act, rest of all the offences are bailable in nature, hence, it is prayed that application be allowed.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that at the time of incident the complainant who is a member of Scheduled Tribe was called by his tribe name, insulted and abused, therefore, the applicants are not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, applicant No.1 had taken the services of the complainant for repairing of motorcycle. When the motorcycle was repaired, at the time of delivery of the motorcycle some dispute arose between the applicant No.1 and complainant, regarding the payment of remuneration during which the complainant said to the applicant No.1 that he is not financially capable to ride the vehicle, thereafter, the applicants abused, threatened and assaulted the complainant causing him simple injuries. There is specific allegations that the complainant was called by his tribe name at the time he was abused, hence, this case.
6. As it appears that the cause of dispute had been something different than the social status of the complainant, therefore, I feel inclined to allow the bail application of these applicants.
7. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the sum of Rs.25,000/- each 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha