

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 699 of 2019**

Raimbo Raja, S/o. Shri Subodh Kumar Singh, Aged About 26 Years,
Caste- Christian, R/o. P. I. L. Road, Champa, Police Station and Tahsil
Champa, District Janjgir-Champa, Chhattisgarh.

----Applicant**Versus**

The State Of Chhattisgarh, Through : The Station House Officer, Police
Station AJAK, District Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Punit Ruparel, Advocate
For Respondent	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/05/2019**

1. Apprehending arrest in connection with Crime No.44/2019, registered at Police Station – AJAK, District – Korba (C.G.) for offence punishable under Section 294, 506, 456, 323, 147, 148 of the Indian Penal Code and Section 3 (2) (5A) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 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. No case is made out against the applicant on the basis of the material present in the case diary. The complainant, who is the physician has lodged false FIR against this applicant and other co-accused persons making false allegation taking benefit of his social status. Similarly placed co-accused person has been granted anticipatory bail by this Court. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. It is alleged that this applicant along with other co-accused persons went to the house of the complainant and engaged in a quarrel with him. During the heat of the moment, the complainant was called by name of his social status, then he was abused, threatened and assaulted by them.
6. Considered the submissions made and the contents of the case diary. Apart from the offence under Section 3 (2) (5A) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, rest of the offences are bailable in nature. For the reason that similarly placed co-accused person has been benefited with grant of anticipatory bail, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram