

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 941 of 2019**

1. Shravan Singh, S/o. Shri Jugul Kishore Singh, Aged About 25 Years,
 2. Alok Singh, S/o. Shri Jugul Kishore Singh, Aged About 25 Years,
 3. Ravindra Singh, S/o. Shri Uday Singh, Aged About 36 Years
 4. Manmohan Singh, S/o. Shri Sangram Singh, Aged About 24 Years
- Applicants No.1 to 3 are R/o. Pachawal and No.4 Sanawal, all police station – Sanawal, District – Balrampur-Ramanujganj, Chhattisgarh.

----Applicants**Versus**

The State of Chhattisgarh, Through : The Station House Officer, Police Station -Sanawal, District Balrampur- Ramanujganj Chhattisgarh.

---- Respondent

For Applicants	: Mr. Neeraj Kumar Mehta, Advocate
For Respondent/State	: Mr. Vimlesh Kumar Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/08/2019**

1. The application of the applicant No.4 has been dismissed as withdrawn on 26.07.2019.
2. Apprehending arrest in connection with Crime No.7/2019, registered at Police Station – Sanawal, AJAK, Balrampur, District – Balrampur -Ramanujganj (C.G.) for offence punishable under Section 147, 148, 294, 323, 341, 506 of the Indian Penal Code and Section 3 (1) (a) (ii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, the applicants No.1 to 3 have preferred this application for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants No.1 to 3 that the applicants have been falsely implicated in this case. The lodging of the FIR against the applicants is politically motivated at

the behest of sitting MLA, under whose support the other party are working in extraction of sand from the sand quarry. In-fact it had been a case of free fight between both the parties in which the victims from the applicants side have also received injuries and one FIR was lodged on the same day in Police Station – Sanawal, District Balrampur on the basis of which offences have been registered against the complainant and others under Section 147, 148, 294, 323, 341, 506 of the Indian Penal Code. The complainant has not lodged the FIR in Police Station Sanawal within the jurisdiction of which the incident took place, they lodged FIR in Police Station – Ramanujganj subsequently, which is a totally false FIR making false statement making use of the social status of the complainant. Therefore, these applicants are entitled for grant of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the contents of the FIR, there is clear evidence regarding insult of the complainant on the basis of his social status. Hence, the application be rejected.
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 on the date of incident, the applicants had been on the spot for extraction of sand from the quarry, which was intervened and stopped by the complainant, Dev Kumar Singh on which the complainant was abused threatened and beaten by the applicants and other co-accused persons, who were present as a member of unlawful assembly. It is alleged that the complainant,

who is member of schedule tribe was insulted on the basis of his social status, hence, this case.

7. Considered the submissions made and the contents of the case diary. After going through all the material present in the case diary and considering that there is a counter case of the same incident in which, the victims and the applicants side have also suffered injuries which supports the contentions of the applicants side that it had been a case of free fight. Therefore, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. in respect of the applicants No.1 to 3 is allowed.
9. It is directed that in the event of arrest of the applicants No.1 to 3 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 each 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

Balram