

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1104 of 2019**

1. Pankaj Gupta S/o Ramchandra Gupta, Aged About 35 Years, Occupation - Fruit Vendor R/o Ward No.2, Manendragarh, Tehsil Baikunthpur District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Sunil Gupta S/o Shri Shyam Sundar Gupta, Aged About 37 Years, R/o Chanvaridand, Manendragarh, Tehsil Manendragarh, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
3. Ravi Yadav S/o Late Shankar Yadav, Aged About 38 Years, Occupation Labour, R/o Ward No.4, Manendragarh, Tehsil - Manendragarh District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
4. Deepak Gupta S/o Late Roopnarayan Gupta, Aged About 27 Years, R/o Chanwaridand, Atal Chowk, Manendragarh, Tehsil Manendragarh District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicants**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Manendragarh, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

----Non-applicant

For Applicants : Shri Vivek Sharma, Advocate.

For State/non-applicant: Shri Sanjay Pathak, Panel Lawyer.

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

23/08/2019

1. Apprehending arrest in connection with Crime No.07/2019, registered at Police Station – Manendragarh, District Koriya, Chhattisgarh for offence punishable under Section 294, 506, 323, 34, 452 of the IPC and Section 3(1) (r) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short 'the SC & ST Act').
2. It is submitted by learned counsel for the applicants that it had been a

case of free fight between the applicant party and the complainant party. The applicants had first lodged the FIR and Crime No.6/2019 has been registered in the same police station for commission of offence under Section 294, 506, 323, 34 of the IPC. The complainants have lodged the FIR thereafter. The offences under the provisions of the SC & ST Act have been falsely added because these applicants were not acquainted with the said complainant Mohan that he is a person belonging to the Scheduled Caste. The complainant persons are on bail in the counter case. Therefore, it is prayed that these applicants may also be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that in view of provision under Section 18 of the SC & ST Act, this application cannot be entertained. Therefore, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, on 06-01-2019 at about 11:30 p.m. the applicant party and the complainant party engaged in a quarrel. It is alleged that these applicants abused, threatened, committed house trespass and assaulted and injured the victims, namely, Mohan @ Jeetu and Sanju Wadhwani. Hence, this case.

6. Considered on the entire material present in the case diary. This fact is not denied that there is a counter case, therefore, submission made on behalf of the applicants that it was a free fight is not without any basis. Hence, after due consideration, 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