

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1223 of 2019**

Vikky @ Gourav Singh S/o Shri Shyam Bihari Singh Aged About 36 Years
Caste - Kshatriya, R/o Village Mulmula, Police Station Mulmula, District
Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.

---- Respondent

For the Applicant : Ms. Seema Singh, Advocate.
For the Respondent/State : Shri Priyanshi Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.09.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 18 of 2019, registered at Police Station – Mulmula, District – Janjgir-Champa, Chhattisgarh for the offences punishable under Sections 294, 323 and 506 the Indian Penal Code and Section 3(1)(10) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is submitted by counsel for the applicant that apart from the offence under Atrocities Act, rest of the offences which are registered against the

applicant are bailable in nature. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged, on the date of incident, the complainant who belongs to Scheduled Caste was present in the petrol pump where the applicant came and as the complainant refused to fill diesel on credit the applicant then abused, threatened and assaulted him. The only statement regarding the commission of offence under Section 3(1)(10) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is that the applicant knew that the complainant is a member of Scheduled Caste.

8. As there is no statement made in the FIR and in the statement under Section 161 of the Cr.P.C. of the complainant that the applicant used any insulting word about his caste, therefore, looking to the facts present, I feel inclined to grant anticipatory bail to the applicant.

9. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)

Judge