

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1241 of 2019**

1. Shantilal Patel, S/o. Late Chedulal Patel, Aged About 38 Years
 2. Sonu @ Chandrashekhar, S/o. Prahlad Patel, Aged About 19 Years
- Both are R/o. Village Pali, Chowki Naila, Police Station Janjgir, District Janjgir- Champa Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station -Janjgir, District Janjgir -Champa Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sumit Singh, Advocate
For Respondent	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/09/2019**

1. Apprehending arrest in connection with Crime No.175/2019, registered at Police Station – Janjgir, District – Janjgir-Champa (C.G.) for offence punishable under Section 325/34 of the Indian Penal Code and Section 3 (1) (2) (5) of SC/ST (Prevention of Atrocity) Act, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary regarding commission of offence under the provisions of Atrocity Act. It had been a case of simple dispute, which ended in marpit. The offence under Section 325 of I.P.C. are bailable. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is statement that the complainant was abused by his caste name, therefore, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, on the date and time of the incident, the complainant Manendra Kumar Suryawanshi was obstructed on his path by Ashok Das for the reason that the complainant had to pay some dues to him. Ashok Das called these applicants for his help, who abused the complainant by his caste name and then also assaulted him and caused him grievous injury. Hence, this case
6. Considered the submissions made and the contents of the case diary. As it appears that the reason for confrontation between the complainant and the applicants was for some settling of accounts with Ashok, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
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 applicants 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