

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1405 of 2019

- Varun Kumar Jain, S/o Shri Nemchand Jain, aged about 33 years, R/o Opposite Ajanta Furniture Bajrang Nagar, Police Station Azad Chowk, Aamapara, Raipur, District - Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through - Station House Officer, P.S.-Suhela, District-Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicant	: Shri Goutam Khetrapal, Advocate.
For Respondent/State	: Smt. Seema Dixit, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/10/2019

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with crime No. 161/2019, registered at Police Station – Suhela, District – Baloda Bazar, (C.G.) for the offence punishable under Sections 294, 506, 186 of Indian Penal Code and Section 3(1)(d) of SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution story, an F.I.R. has been lodged by Complainant Ankit Kumar on 11.06.2019 with the averment that on 08.06.2019 while he was traveling in pickup van of the Applicant, a dispute arises between both of them. During the dispute Applicant used filthy language and also threatened Complainant. On the basis of the above, offence under Sections 294 & 506 of I.P.C. has been registered. Thereafter, during course of investigation on 02.07.2019, statement of one Khemram under Section 161 of Cr.P.C. has been recorded and on the basis of his statement offence under Section 3(1)(d) of SC/ST (Prevention of Atrocities) Act has been added.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that no case under SC/ST (Prevention of Atrocities) Act is made out against the Applicant. In the F.I.R. as well as in the statement recorded under Section 161 of Cr.P.C. of the Complainant, he (Complainant) has not stated anything regarding using filthy language relating to his caste by the Applicant. Later on 02.07.2019 for implicating the present Applicant falsely, statement of one witness Khemram was recorded by the police and thereafter, offence under SC/ST (Prevention of Atrocities) Act has been added. Therefore, it is clear that *prima facie*, no case of Atrocities can be made out against the present Applicant. Therefore, Applicant may be granted the benefit of anticipatory bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, argument advanced by the parties and further considering the fact that in the F.I.R. lodged by the Complainant on 11.06.2019 and in his statement recorded under Section 161 of Cr.P.C., he has not mentioned anything regarding using filthy language relating to his caste by the Applicant, thus, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- He 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 from disclosing such fact to the Court.
- He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge