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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1667 of 2018**

1. Chintaram Sahu @ Chitrangan Ram & Ors. S/o Patiram Aged About 32 Years R/o Village Rohina, Post Koundekera, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
2. Ful Singh Sahu S/o Puran Lal Sahu Aged About 22 Years R/o Village Rohina, Post Koundekera, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
3. Puran Lal Sahu S/o Dhanush Ram Sahu Aged About 41 Years R/o Village Rohina, Post Koundekera, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
4. Mishri Ram Sahu S/o Dhanush Ram Sahu Aged About 53 Years R/o Village Rohina, Post Koundekera, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
5. Siya Ram Sahu S/o Hari Ram Sahu Aged About 60 Years R/o Village Rohina, Post Koundekera, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
6. Ramesh Sahu S/o Puran Lal Sahu Aged About 28 Years R/o Village Rohina, Post Koundekera, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
7. Harakh Ram Sahu S/o Mishri Ram Sahu Aged About 34 Years R/o Village Rohina, Post Koundekera, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
8. Smt. Bhanu Bai Sahu W/o Mishri Ram Sahu Aged About 42 Years R/o Village Rohina, Post Koundekera, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh
9. Smt. Purnima Bai W/o Ful Singh Aged About 24 Years R/o Village Rohina, Post Koundekera, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Rajim, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh.

---- Respondent

For the Applicants : Shri Jitendra Gupta, Advocate.
 For the Respondent/State : Shri A.N. Bhakta, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.01.2019**

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 applicants who are apprehending arrest in connection with Crime No. 320 of 2018, registered at Police Station – Rajim, District Gariyaband, Chhattisgarh for the offence punishable under Sections 294, 323, 506, 147, 148 and 149 of 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 applicants that they have been falsely implicated in this case. Apart from the offences under Section 3(1)(10) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, rest of the offences which are registered against the applicants are bailable in nature. According to the material present in the case-diary, no case is made out against these applicants. Reliance has been placed on the judgment of this High Court in the case of **R.K. Singh & Another vs. State of Chhattisgarh** reported in **2007(2)CGLJ 107**. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that under Section 18 of the amended provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, the application under Section 438 of the Cr.P.C. is not maintainable. Hence, it is prayed that the applicants are not entitled for grant of anticipatory bail.

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

6. The case against the applicants is that on the date of incident some persons were firing crackers. It is alleged that when complainant – Asha Ram Satnami who belongs to scheduled caste asked applicants No.1, 2 and 3 to not to fire crackers, it was then the complainant was addressed by his caste name and then abused, threatened and beaten causing injuries to him by these applicants. Hence, this case.

7. Although, the complainant was addressed by his caste name but the intention of the applicants was to insult him is yet to be investigated and after perusing the contents of the FIR and the statement of the complainant, I feel inclined to grant anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail application is allowed and 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 in the like sum to the satisfaction of the concerned Investigating Officer. They 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi