

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1653 of 2018**

1. Sidharth Singh S/o Balram Singh Aged About 23 Years Caste Thakur, R/o Village Kikirda, Police Station Birra, Tahsil Jaijaipur, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Subham Singh S/o Balram Singh Aged About 22 Years Caste Thakur, R/o Village Kikirda, Police Station Birra, Tahsil Jaijaipur, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Sitaram Singh S/o Late Shri Keshari Singh Aged About 72 Years Caste Thakur, R/o Village Kikirda, Police Station Birra, Tahsil Jaijaipur, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Balram Singh S/o Mahaveer Singh Aged About 50 Years Caste Thakur, R/o Village Kikirda, Police Station Birra, Tahsil Jaijaipur, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Shri B.D. Guru, Advocate.
 For the Respondent/State : Shri Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.01.2019**

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. 16 of 2017, registered at Police Station – AJAK, Janjgir, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 294, 506 and 323/ 34 of the Indian

Penal Code and Section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. Apart from the offence under Section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, rest of the offences registered against them are bailable in nature. Totally false allegation has been made by the complainant against the applicants and in fact the complainant himself had blocked the road by wrongly parking his motorcycle regarding which a quarrel has taken place and initially, the applicants lodged a written report in police station Birra against the complainant. 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 according to the complaint given by the complainant and the FIR there is clear statement that the complainant was insulted by these applicants, hence, the offence under Section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is clearly made out regarding which the application for anticipatory bail cannot be entertained by this Court.

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

6. On 30.9.2017, the applicants and the complainant had a quarrel with respect to wrong parking of the motorcycle by the complainant. It is alleged

in the complaint that the applicants called the complainant by his caste name and the complainant belongs to Satnami Committee, which is a scheduled caste. Hence, this case.

7. After perusing the entire material present in the case-diary, it appears that although there is evidence that the complainant was called by his caste name and was identified by similar name, however, the intention of the applicants was to insult the complainant is not clear from the statements. Further investigation may reveal the case against the applicants. For the present, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

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