

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1716 of 2018

- Nauratan Sharma S/o Shashikant Sharma, Aged About 32 Years, Occupation Journalist, R/o Kelo Vihar Colony, Police Station Chakradhar Nagar, Raigarh, Tahsil And District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Scheduled Caste/ Tribal Welfare Thana, Raigarh, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Hari Agrawal, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-02-2019

1. Apprehending arrest in connection with Crime No.14/2017, registered at Police Station –Scheduled Caste & Tribe Welfare Thana, District Raigarh, Chhattisgarh for offence punishable under Section 341, 294, 323, 506 of the IPC and Section 3 (01) da, dha & 3 (02) (05)(ka) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, (in short 'the Atrocities Act'), the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. In fact the applicant was himself abused, threatened and assaulted by Pravin Dwivedi, the President of A.B.V.P. accompanied with complainant Ramjane Bhardwaj and others because of which he had filed a complaint in police station on 01-11-2017 informing the date, time and place of the incident as 01-11-2017 at about 07:30 p.m. in front of Ashirwad Hotel. As the applicant is a news correspondence and had been continuously reporting against the illegal acts of Pravin Dwivedi and his associates, therefore, a false complaint has been lodged against him through

complainant Ramjane Bhardwaj who is a member of Scheduled Caste, in which the date, time and place of the incident is same, which clearly shows the false implication of the applicant.

Reliance has been placed on the judgment delivered by Hon'ble the Supreme Court in the matter of **Dr. Subhash Kashinath Mahajan Versus State of Maharashtra and Anr.**, (2018) 6 SCC 454.

3. Learned counsel for the State/non-applicant opposes the application submitting that there is clear allegation in the FIR lodged that this applicant has abused the complainant in the name of his social status, therefore, the application is not maintainable under Section 18 of the Atrocities Act.

4. Heard learned counsel for the parties and perused the case diary.

5. The FIR has been lodged by complainant Ramjane Bhardwaj who is a member of Scheduled Caste that on 01-11-2017 at about 7:30 p.m. the applicant unlawfully restrained him and then abused, threatened and assaulted him causing injuries. It is also alleged that the applicant insulted the complainant by calling him by his social status. Hence, this case.

6. Considered on the material present in the case diary and also perused the documents filed along with the application. It appears that the complaint filed by the applicant has also been received by the police and investigated, which is of the same date, time and place of incident, therefore, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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 him/her 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge