

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 18 of 2020**

1. Kanhaiya Yadav S/o Late Shri Shyam Lal Yadav Aged About 46 Years R/o Ward No. 03, Mahamaya Para, Ratanpur, Police Station Ratanpur, Tehsil Kota, District - Bilaspur Chhattisgarh.
2. Damodar Singh Kshatriya (Wrongly Mentioned As Khatri In Annexure A - 1) , S/o Shri Mohan Singh Kshatriya (Wrongly Mentioned As Khatri In Annexure A - 1), Aged About 51 Years R/o House No. 123 Ward No. 08 (Wrongly Mentioned As House No. 08 In Annexure A - 1), Bhedimuda, Ratanpur, Police Station Ratanpur, Tehsil Kota, District - Bilaspur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, Tehsil Kota, Dist. Bilaspur,, CG.

---- Respondent

For Applicants	:-	Mr. Aman Tamboli, Advocate
For Respondent-State	:-	Ms. Fouzia Mirza, Addl. A.G.
For Complainant	:-	Mr. Raj Kumar Gupta, Advocate

Proceedings through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra**
Order On Board**26/08/2020**

1. The applicants have preferred this application for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.525/2019, registered at Police

Station Ratanpur, District Bilaspur for offences punishable under Sections 294, 323, 354, 506 read with Section 34 of the I.P.C. and Sections 3(1) (m), 3 (1) (r), 3(1)(s), 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. Applicants were the Councilors of Nagar Panchayat, Ratanpur. At the relevant time, the complainant was also the President of the said Nagar Panchayat. There was a dispute between the Councilors and the President of the Nagar Panchayat, which led to writ proceedings and eventually culminated in recall proceedings.
3. In this crime, the complainant has alleged that at about 5 pm on 17.08.2017 she was presiding over a meeting of the employees where the applicants reached there; abused her in the name of her caste; interfered in her official work; and also outraged her modesty.
4. Considering the prevailing dispute between the applicants and the complainant and for the fact that both the parties have been in litigation the possibility of exaggeration attracting offence under Sections 3(1) (m), 3 (1) (r), 3(1)(s), 3(1)(w)(i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act cannot be ruled out. The applicants have appeared before the trial Court in complaint

case filed by the complainant. Thus, they are appearing in the trial Court and cooperating in the trial. The present crime and the complaint case involve the same incident. In this bail application by order dated 14.01.2020 ad-interim bail has already been granted to the applicants.

5. Considering the entire fact situation of the case, this Court is inclined to extend the benefit of Section 438 of the Cr.P.C.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) they 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 facts to the Court or to any police officer;
- (iii) the applicants shall not influence the witnesses during pendency of the trial.

SD/-

(Prashant Kumar Mishra)
Judge

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