

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 72 of 2020**

- Rupendra Das Vaishnav S/o Late Bajrang Das Vaishnav Aged About 51 Years R/o Village Chunkatta, Post Selud, Thana - Utai, Tehsil Patan, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate District Durg Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Avinash Chand Sahu, Adv.
For Respondent-State	:-	Mr. K.K. Singh, G.A.

Proceedings through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra**
Order On Board**20/08/2020**

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.406/2019, registered at Police Station Utai, District Durg C.G. for offences punishable under Sections 294, 506, 323 of the I.P.C. and Section 3(i)(घ) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. The complainant runs a tyre puncture shop at village

Chunkatta, P.S. Utai District Durg. At about 7:45 am on 09.11.2019, the applicant requested the complainant to properly arrange the vehicles and other items of his tyre puncture shop on which a quarrel broke out in which the applicant abused and assaulted the victim by an iron rod. Both the parties have lodged the report against each other. The present report was initially registered for offence punishable under Sections 294, 506, and 323 of the I.P.C but having found that the complainant belongs to Scheduled Tribes Community, the offence under Section 3(i)(ख) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was added later on.

3. Considering the nature of incident and for the fact that both the parties are residents of the same village, it is debatable as to whether the applicant had intended to humiliate the person belonging to Scheduled Tribes Community. It is also debatable as to whether the offence under Section 3(i)(ख) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act would be, *prima facie*, made out or not, therefore, considering that the other offences are minor in nature, this Court is inclined to release the applicant on anticipatory bail.

4. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his 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) he shall make himself available for interrogation by a police officer as and when required;
- (ii) 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 facts to the Court or to any police officer.
- (iii) the applicant shall not influence the witnesses during pendency of the trial.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi