

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 543 of 2020**

1. Bhishma Prasad Bareth S/o Dharmu Ram Bareth, aged about 44 years R/o Village & Post Rohda, PS Saragaon, Distt. Janjgir-Champa (C.G.).
2. Yugal Kishore Bareth S/o Dhramu Ram Bareth, aged about 27 years R/o Village & Post Rohda, PS Saragaon, Distt. Janjgir-Champa (C.G.).
3. Prakash Kumar Bareth S/o Jidhan Lal Bareth, aged about 22 years R/o Village & Post Rohda, PS Saragaon, Distt. Janjgir-Champa (C.G.).
4. Lakhan Lal Bareth S/o Jidhan Lal Bareth, aged about 27 years R/o Village & Post Rohda, PS Saragaon, Distt. Janjgir-Champa (C.G.).
5. Smt. Teras Bai Bareth W/o Bhishma Prasad Bareth, aged about 35 years R/o Village & Post Rohda, PS Saragaon, Distt. Janjgir-Champa (C.G.).

---- Applicants**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Saragaon, Distt. Janjgir-Champa (C.G.).

---- Respondent

For Applicants	:	Mr. Goutam Khetrapal and Mr. Jitendra Shrivastava, Advocates
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order**22/06/2020**

1. The matter is heard through video conferencing.
2. The applicants have filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 9/2020 registered at police station Saragaon, Distt. Janjgir-Champa (C.G.) for the offence punishable under Sections 147, 148, 294, 323 & 506 of the Indian Penal Code and Section 3 (1) (R) of the SC/ST (Prevention of Atrocities) Act.

3. Complainant Bajranglal Diwakar belongs to a schedule caste community. On 11/02/2020, the Complainant lodged a report against the applicant to the effect that during Panchayat election, he supported the Sarpanch and hence the applicants hatched a conspiracy against him. On 10/02/2020 at about 09:30 pm by carrying lathi, danda, weapons etc., the applicants came to the house of the complainant and in front of his house they used filthy language and when he and his family members asked the applicants not to abuse them, they started marpeet with them, due to that they sustained injuries. On the basis of report, initially offence has been registered under Sections 147, 148, 294, 323 & 506 of the Indian Penal Code. During course of investigation, later on offence under Section 3 (1) (R) of the SC/ST (Prevention of Atrocities) Act has also been added.
4. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated. Except the offence under Section 3 (1) (R) of the SC/ST (Prevention of Atrocities) Act, all other offences are bailable. They further submit that from the contents of the FIR, prima-facie no offence under Section 3 (1) (R) of the SC/ST (Prevention of Atrocities) Act is made out, therefore, they pray to extend the benefit of anticipatory bail to the applicants.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument

advanced by counsel for the parties, particularly after perusing the contents of the FIR, in my considered view, prima-facie no case under Section 3 (1) (R) of the SC/ST (Prevention of Atrocities) Act is made out against the applicant, therefore, without further commenting on other merit of the case, I am inclined to extend the benefits of anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on their furnishing a bond in the sum of Rs.10,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
 - i. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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 him/her from disclosing such facts to the Court or to any police officer;
 - iii. The accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge