

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 677 of 2020**

1. Prakash Trivedi, S/o Late Bhagwan Ji Trivedi Aged About 60 Years R/o MIG 101, Chandela Nagar, Police Station Civil Lines, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.
2. Hitendra Trivedi S/o Prakash Trivedi Aged About 32 Years R/o MIG 101, Chandela Nagar, Police Station Civil Lines, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.
3. Hitesh Trivedi S/o Prakash Trivedi Aged About 35 Years R/o MIG 101, Chandela Nagar, Police Station Civil Lines, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through The SHO Police Station AJK, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Vivek Sharma, Advocate.
For Respondent/State	: Shri Ghanshyam Patel, G.A.
For Objector	: Shri Rajeev Bharat, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/07/2020**

1. The matter is heard through video conferencing.
2. The Applicants are apprehending their arrest in connection with Crime No. 5/2019 registered at Police Station AJK, District Bilaspur, (C.G.) for the offence punishable under Sections 294, 323, 506B of Indian Penal Code & 3(1)(r) & 3(1)(s) of SC/ST (Prevention of Atrocities) Act.
3. After arguing for some length, learned Counsel appearing on behalf of the applicants submits that he wants to withdraw the instant application with respect to applicant No. 1 namely Prakash Trivedi, however, he seeks permission of the Court to file a regular bail

application before the trial Court.

4. Permission granted.
5. In view of the above submission, the instant application is dismissed as withdrawn with respect to applicant No. 1 namely Prakash Trivedi with the aforesaid liberty. However, in the event of surrender of the applicant No. 1 Prakash Trivedi before the trial Court and filing of the regular bail application on his behalf, trial Court is directed to decide the bail application of the applicant No. 1 as early as possible preferably on the date of filing itself.
6. As per the prosecution story, on 19.5.2019 a meeting of Chandela Nagar Housing Society was called at 7 PM and during the meeting some altercation took place between applicants and complainant on the issue of payment of maintenance charge. Allegedly, applicants during altercation, abused the complainant on the name of his caste and also threatened him for dire consequences. On the basis of the above background, a written complaint was made by the complainant and on the basis of the said, offence has been registered.
7. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. It is further submitted that no allegations have been made against the present applicants with regard to offence relating to atrocities. All allegations have been made against applicant No. 1, therefore, *prima facie*, no case of atrocities can be made against applicant No. 2 & 3. It is further submitted that all other offences are of bailable nature. Thus, it is prayed that, present applicants No. 2 and 3 may be extended the benefit of anticipatory bail.
8. Learned Counsel appearing for the State and Objector oppose the bail application.
9. I have heard learned Counsel appearing for the parties and perused the material available with due care.

10. Taking into consideration the submissions put-forth on behalf of the parties, considering facts and circumstances of the case and after going through the contents of F.I.R. and statement of the witnesses recorded under Section 161 of Cr.P.C., it reveals that all allegations relating to offences under atrocities are made against applicant No.1 only, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to applicant No. 2 and 3 only.

11. Accordingly, the bail application with respect to applicant No. 2 & 3 namely Hitendra Trivedi and Hitesh Trivedi respectively is allowed.

12. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) 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 fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge