

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 737 of 2020**

1. Atmaram Yadav S/o Chheduram Yadav Aged About 60 Years
2. Ajuram Yadav S/o Labedu Yadav, Aged About 68 Years
3. Babulal Yadav S/o Atmaram Yadav Aged About 35 Years
4. Balwant Singh Thakur S/o Rajeshwar Singh Aged About 26 Years
5. Nandkumar Yadav S/o Faguwa Yadav Aged About 31 Years
6. Bholu Yadav S/o Punwa Yadav Aged About 23 Years

All are R/o Village Pataidih, Police Station Pachpedi, District-
Bilaspur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Pachpedi, District Bilaspur, Chhattisgarh

---- Respondent

For Appellants
For Respondent /State

Mr. Dharmesh Shrivastava, Advocate
Mr. Alok Bakshi, Additional Advocate
General

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

2/12/2020

1. Heard.
2. The appellants have preferred this appeal for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.76/2020 registered at Police Station Pachpedi, District Bilaspur for the offence punishable under Sections 147,

148, 294, 323, 506 of the IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. While managing the migrant labourers, who were quarantined on their return to the village, a dispute arose between two groups of villagers, out of which, the present complainant belongs to Scheduled Caste Community. The dispute arose when the present complainant wanted to meet the son of a quarantined person, which was not allowed under the COVID-19 protocol, where-after, a quarrel and altercation took place. Although there is allegation of forming unlawful assembly, commission of rioting, assault causing simple hurt and criminal intimidation but there is no allegation in the FIR to the effect that the complainant was abused in the name of his caste or he was assaulted only for the reason that he belongs to Scheduled Caste community.
4. On perusal of the material available in the case diary, it appears, while considering the prayer for grant of bail, the Court below has committed serious error of jurisdiction, inasmuch as, it should have objectively considered the said prayer by having a close look on the material against the accused. While exercising judicial discretion for grant of bail, the trial Court is not expected to conduct an exercise in formality but the same should reflect from the material and further, cogent reasons must be assigned while rejecting the bail application.

5. Considering the genesis of the offence and there being lack of ingredients constituting offence under the Atrocities Act in the FIR, this Court is inclined to release the appellants on anticipatory bail.
6. Accordingly, the appeal is allowed and the impugned order is set-aside.
7. The appellants are directed to be released on anticipatory bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each 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) they shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge