

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1512 of 2019

1. Vivek Yadav S/o Ganga Prasad Yadav Aged About 31 Years R/o Village Baloda, District Janjgir-Champa, Chhattisgarh.
2. Vikash @ Vicky Yadav S/o Ganga Prasad Yadav Aged About 26 Years R/o Village Baloda, District Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station AJAK Korba, District Korba, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Govind Ram Miri and Mr. Basant Kaiwartya, Advocates.
For Respondent/State	: Ms. Shriya Mishra, P.L.
For Objector	: Mr. Roshan Dubey, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/02/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 18/2019, registered at Police Station AJAK Korba, Distt. Korba (C.G.) for the offence punishable under Sections 147, 451, 323, 294, 506 of the IPC and Section 3 (2) (5-A) of SC/ST (Prevention of Atrocities) Act.
2. As per prosecution story, on 21.08.2019, complainants Kailash, Anita, Mamta and Nand Kumar belongs to Schedule Tribe made a written complaint alleging therein that on 20.08.2019, the applicants along with other co-accused persons entered into the hospital campus in drunken condition and when the complainants tried to

stop them, the applicants abused them by the name of their caste, threatened them to kill and also assaulted them due to that they sustained injuries. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some dispute with the hospital administration. He further submits that the applicants have neither abused the complainants by the name of their caste nor they assaulted them. Now, the matter has been settled between both the parties and all the complainants have executed their affidavits in support of the applicants. In their affidavits, they have categorically admitted that they have not been abused by the applicants by the name of their caste. The counsel finally submits that since the matter has already been settled, therefore, the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the facts that both the parties have settled their dispute and the complainants have also executed their affidavits in this regard. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety 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 made 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.

Sd/-

(Arvind Singh Chandel)
Judge