

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1701 of 2019

1. Chandani Yadav D/o Shri Chhaura Yadav Aged About 19 Years R/o Bhoghapara, Ramayan Chowk, Sheorinarayan, Tehsil- Pamgarh, District- Janjgir-Champa, Chhattisgarh.
2. Tikeshvar Soni S/o Shri Hari Prasad Soni Aged About 32 Years R/o Bhoghapara, Mahaveer Chowk, Sheorinarayan, Tehsil- Pamgarh, District- Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sheorinarayan, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Anish Tiwari, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/01/2020

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. 336/2019, registered at Police Station Sheorinarayan, Distt. Janjgir Champa (C.G.) for the offence punishable under Sections 294, 323, 34, 506 of the IPC and Section 3 of the SC and ST (Prevention of Atrocities) Act, 1989.
2. As per prosecution story, complainant Chitrarekha Satnami who is a member of Schedule Tribe, lodged a report in concerned police station alleging therein that on 04.08.2019 at about 10 PM, the applicants abused her with filthy language, threatened her to kill and also assaulted her with means of hands and legs due to that she sustained injuries. On the basis of said complaint, offence under Sections 294, 323, 34, 506 of the IPC has been registered against the applicants. During course of investigation, statement of one witness namely Krishna has been recorded under

Section 161 of Cr.P.C. On the basis of his statement offence under Section 3 of the SC and ST (Prevention of Atrocities) Act, 1989 has been added.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that *prima facie* no offence under Section 3 of the SC and ST (Prevention of Atrocities) Act can be made out because in FIR as well as in the statement of the complainant recorded under Section 161 of Cr.P.C., she has not stated anything which relates to Section 3 of the SC and ST (Prevention of Atrocities) Act. Apart from Section 3 of the SC and ST (Prevention of Atrocities) Act, all offence are bailable in nature. Hence, it is prayed that 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.
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 fact that in FIR as well as in the statement of the complainant recorded under Section 161 of Cr.P.C., she has not stated anything which relates to Section 3 of the SC and ST (Prevention of Atrocities) Act. 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. 20,000/- with one 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 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.

Sd/-

(Arvind Singh Chandel)
Judge