

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1819 of 2019

1. Dinesh Kumar Jain, S/o Late Shri Kailash Chand Jain Aged About 39 Years R/o Kunkuri, Police Station Kunkuri, Jashpur, District Jashpur, Chhattisgarh.
2. Shailesh Kumar Jain S/o Late Shri Kailash Kumar Jain Aged About 41 Years R/o Kunkuri, Police Station Kunkuri, Jashpur, District Jashpur, Chhattisgarh.
3. Sandeep Kumar Jain S/o Late Shri Kailash Chand Jain Aged About 45 Years R/o Kunkuri, Police Station Kunkuri, Jashpur, District Jashpur, Chhattisgarh.
4. Rajesh Kumar Jain S/o Late Shri Kailash Chand Jain Aged About 47 Years R/o Kunkuri, Police Station Kunkuri, Jashpur, District Jashpur, Chhattisgarh.
5. Sanjay Kumar Jain S/o Late Shri Kailash Chand Jain Aged About 49 Years R/o Kunkuri, Police Station Kunkuri, Jashpur, District Jashpur, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer Police Station Kunkuri, District Jashpur, Chhattisgarh.

---- Respondent

For Applicants : Smt. Indira Tripathi, Advocate.
For Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24/02/2020

1. The Applicants are apprehending their arrest in connection with Crime No. 119/2019 registered at Police Station Kunkuri, District – Jashpur, (C.G.) for the offence punishable under Sections 149, 294, 323, 342, 506(B) of Indian Penal Code and Sections 3-1(R-S), 3(1)(e), 3(2)(va) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities)

Act.

2. Facts of the case in brief is that, on 17.08.2019 complainant Radheshyam Prabhakar, who belongs to scheduled caste community made a written complaint before the police station alleging therein that present applicants owned a shop of iron utensils where he used to work for the last 4-5 years. On 13.08.2019 around 9:00 PM, applicant No.1 Dinesh Kumar Jain took the complainant in his motorcycle to factory warehouse, thereafter, applicants closed the gate of the warehouse and assaulted the complainant. Applicants abused the complainant in filthy language and also took off his clothes and beaten him with belt accusing him of theft of materials from the shop. It is further alleged that they took off the clothes of the complainant and locked him inside a dark room. Applicants also took the signature of the complainant in two blank papers, thereafter, left him. On the basis of the above background, offence has been registered against the applicants.
3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. She further submits that all the offences are bailable except offences related to atrocities. *Prima facie*, no case of atrocities is made out against applicants. All the applicants are falsely implicated in this case due to political and business rivalry. It is further submitted that complainant was a worker in the shop of the applicants and complainant was only inquired by the applicants about stealing of materials from the shop. Later on, false allegations were made against the applicants regarding taking off the clothes of the complainant. Vide dated 25.09.2019, complainant himself had executed an affidavit before Superintendent of Police, Jashpur, wherein he has admitted the fact that no such incident occurred with him. Also, in the video recording of the incident, no such act of taking off the clothes of the complainant is shown. *Prima facie*, no case is made out against applicants. Looking to the above, it is prayed that, applicants may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application and submits that after receiving of the affidavit dated 25.09.2019, a fresh statement of complainant has been recorded wherein he has stated that he has not executed any affidavit regarding the incident. Looking to the allegations made against applicants, anticipatory bail application should be rejected.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the facts that complainant was servant in shop of the applicants and being the owner of the shop applicants inquired about the act of stealing of materials from shop, the said incident took place on 13.08.2019 and F.I.R. has been lodged on 17.08.2019, I have also gone through the video recording of the incident alongwith the counsels for both the parties wherein I have found no such incident regarding taking off the clothes of the complainant by the applicants, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. 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/her 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