

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1956 of 2019**

- Saifulla Khalid, S/o Anwarul Haq, Aged about 35 years, Caste – Muslim, R/o Village – Dabri Para, P.S. & Tahsil – Baikunthpur, District – Koriya, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station – AJAK, Baikunthpur, District – Koriya, (C.G.).

---- Respondent

For Applicant	: Shri Pushkar Sinha, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**03/02/2020**

1. The applicant has preferred this first bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 33/2019 registered at Police Station AJAK, Baikunthpur, District Koriya, (C.G.) for offence punishable under Sections 294, 506, 323 of Indian Penal Code and Sections 3(1)(r)(s) of SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution story, on 22.10.2019 around 1:00 PM when complainant Sugnu Sonwani was standing at rickshaw stand society with his rickshaw, at that time present applicant came there and asked him to come for some work but complainant refused to do that, thereafter, applicant became angry on this and utter filthy languages and abused the complainant in the name of caste and also committed mar-pit with him. Thereafter, report was made by complainant and on

the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case is made out against present applicant. Complainant Sugnu has executed one affidavit and also filed an application before Superintendent of Police, Koriya annexed as A-2 wherein he has stated that no such incident has occurred with him. Virtually, the quarrel took place between applicant and one other rickshawala, thereafter, police took both of them to police station. Complainant was also taken to the police station but only as a witness and his signature was also taken there. According to the complainant, no such incident has occurred nor he he has made any complaint before police station. Looking to the above, it is prayed that applicant may be released on anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. Complainant Sugnu is present before this Court. On being asked regarding the said incident, he has supported the fact that no such incident has occurred nor he he has made any complaint before the police station.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. 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, without further commenting on other

merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his 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. He shall also abide by all the following terms and conditions :

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

Sd/-
(Arvind Singh Chandel)
Judge