

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 27 of 2021**

- Manoj @ Balla Thakur, Son of Gajanand Thakur, aged about 39 Years, Resident of Village - Saragaon, Police Station- Chhura, District- Gariyaband (Chhattisgarh).

----Appellant**Versus**

- State of Chhattisgarh, Through the Station House Officer, Police Station - Chhura, District- Gariyaband, (Chhattisgarh).

---- Respondent

For Appellant	Shri Kamlesh Kumar Pandey, Advocate.
For State	Shri Anand Verma, Deputy G.A.
For Objector	Shri Satish Gupta, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Judgment on Board

16/06/2021

1. The matter is heard through Video Conferencing.
2. This appeal by the accused/appellant under Section 14-A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 16.12.2020 passed by the Special Judge (Atrocities) Raipur, District Raipur, C.G., rejecting his anticipatory bail under Section 438 Cr.P.C. The appellant is apprehending his arrest in connection with Crime No.23/2020 for the offence punishable under Sections 294, 386, 186, 34 of Indian Penal Code and Section 3(1)(द)(घ) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station Chhura,

District Gariyaband, C.G.

3. Case of the prosecution, in brief, is that on 07.02.2020 at about 2:30 a.m, the appellant came along with other co-accused persons, projected himself as a Journalist and recorded a video of complainant and his workers in his mobile phone. The appellant along with other co-accused persons, abused the complainant in a public place, threatened him, insulted the complainant, who belonged to Scheduled Tribe and intimidated him with an intention to humiliate him in a place within public view and also demanded Rs.2 lakhs from him. Thereafter, FIR was lodged against the appellant and other co-accused persons.
4. Learned counsel for the appellant submits that appellant is an innocent person and has been falsely implicated in this case. He submits that appellant has neither demanded any money from the complainant nor abused him filthily in the name of caste. The allegation against the appellant is false and baseless and the ingredients necessary for attracting the said offence are missing in this case. The appellant is ready to abide by all such conditions as may be imposed by this Court while granting anticipatory bail.

Reliance has been placed on the decision of the Hon'ble Supreme Court in the matter of ***Prathvi Raj Chauhan vs. Union of India and others*** passed in **Writ Petition (C) No.1015 of 2018** and the decision passed by the co-ordinate Bench of this Court in ***Yogeshwar Sahu vs. State of Chhattisgarh*** passed in **CRA No.796 of 2020** vide order dated 11.12.2020

5. Learned Counsel appearing for the State as well as the Objector oppose the bail application.
6. I have heard learned counsel for the parties.
7. Though, there is bar under Section 18 of the Act of 1989 regarding maintainability of anticipatory bail application, however, keeping in view the judicial pronouncement of the Hon'ble Supreme Court in ***Prathvi Raj Chauhan*** (*supra*) and the order of the co-ordinate Bench in the matter of ***Yogeshwar Sahu*** (*supra*), in the totality of facts and circumstances of the case, the manner in which the offence is alleged to have been committed, the fact that after news regarding the complainant being published on 14.02.2020 in newspaper, Kanpur, the FIR was lodged against him on 15.02.2020, *prima-facie*, the dispute between the parties appears to be in relation to work of the complainant and not in relation to his caste, the appellant has no criminal antecedents, though the matter is under investigation, however, no apprehension is shown by the State counsel of his absconding or tampering with or influencing the witnesses, no custodial interrogation of the appellant is required, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for granting anticipatory bail to the appellant. Accordingly, the application is allowed.
8. It is directed that in the event of arrest of the appellant in connection with the aforesaid crime, he shall be released on bail by the Arresting Officer on his furnishing a personal bond for a

sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the Arresting Officer. Appellant shall be released on bail on the following conditions:-

- (i) he shall make himself available for interrogation before the Police as and when required,
- (ii) 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 from disclosing such fact to the Court or to the Investigating Officer,
- (iii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iv) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (v) he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (vi) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of appellant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh