

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 65 of 2021**

1. Dewadhi Prasad Yadav S/o Late Shri Trilochan Yadav Aged About 60 Years Caste Mahkul,
2. Padma Bai W/o Dewadhi Yadav Aged About 58 Years Caste Mahkul,
3. Premchand Yadav S/o Nanindro Yadav Aged About 27 Years,
4. Kaushalya W/o Jairam Yadav Aged About 35 Years Caste Mahkul

All are R/o Village Peethama Imalipara, Chowki Kotba, P. S. Bagbahar, District Jashpur Chhattisgarh

---- Appellants**Versus**

- State Of Chhattisgarh Through Station House Officer, P. S. Bagbahar, (Police Chowki Kotba) District Jashpur Chhattisgarh

---- Respondent

For Appellants	:- Mr. Sachin Singh Rajput, Adv with Mr. Ramayan Prasad Yadav, Adv
For Respondent-State	:- Mr. Ravish Verma, G.A.
For Objector	:- Mr. Sunil Sahu, Adv

Hon'ble Shri Justice Prashant Kumar Mishra
Judgment On Board

18/03/2021

1. Heard.
2. The appellants have preferred this appeal against the impugned order dated 26.12.2020 passed by Special Judge

(Atrocities), District Jashpur by which the application filed by the appellants for grant of anticipatory bail has been rejected.

3. The appellants apprehend their arrest in connection with Crime No.135/2020 registered at Police Station Bagbahar Police Chowki Kotba, District Jashpur C.G. for the offence punishable under Sections 452, 294, 506, 323, 34 of the I.P.C. and Section 3(1)ख, 3(2)(v)क of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the Act, 1989')
4. Complainant was working in the house of the appellants. On some dispute concerning payment of wages to her, the appellants allegedly went to her house at about 9:00pm on 28.11.2020, abused her filthily in the name of her caste, dragged her out of the house and assaulted her. On the next day, a meeting was convened in which the complainant disclosed the incident to the villagers.
5. In the statement of independent witnesses, one of them is Shankar Yadav, there is no allegation that filthily abuses were hurled in the meeting also. In the first incident, the initial occurrence was inside the house of the complainant. Although, there is allegation that she was dragged out of the house but there is no independent witness who has seen the appellants assaulting the complainant in any place within 'public view'. For the first incident, there is no independent witness available.
6. *Per contra*, learned State counsel and learned counsel for

the objector would vehemently oppose the prayer for grant of anticipatory bail.

7. Considering the relationship of master and servant between the appellants and complainant and the genesis of dispute as also for the fact that appellant No.1 Dewadhi Prasad Yadav is aged about 60 years, appellant No.2 Padma Bai, a lady is aged about 58 years and appellant No.4 Kaushalya is again a lady aged about 35 years, I am inclined to exercise power under Section 438 Cr.P.C and release the appellants on anticipatory bail. This Court is alive to the provision under Section 18 of the Act, 1989, however, considering the allegation that the incident initially started inside the house of the complainant after which appellants allegedly dragged her out of the house and this dragging out of the house is mentioned in the written FIR, which appears to be in the language usually drafted by a lawyer, the possibility of exaggeration or putting some ingredients attracting the offences under the Act, 1989 cannot be ruled out.
8. In view of the above, the anticipatory bail application is **allowed** and the impugned order is **set-aside**.
9. The appellants are directed to be released on anticipatory bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions:
 - (i) they shall make themselves available for interrogation by a police officer as and when required;

- (ii) 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 from disclosing such facts to the Court or to any police officer.
- (iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi