

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 154 of 2021**

1. Subhash Kumar Pradhan S/o late Tankdhar Pradhan, aged about 66 years
2. Prashant Pradhan, S/o Subhash Kumar Pradhan, aged about 33 years,

Both R/o village Mohaka, Police Station – Basna, District Mahasamund (C.G.)

---- Appellants**Versus**

- State of Chhattisgarh, Through : SHO, P.S. Basna, District Mahasamund (C.G.)

---- Respondent

For Appellants	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr. Sameer Uraon, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****23/03/2021**

1. The appellants have preferred this criminal appeal under Section 14(A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.277/2020, registered at Police Station – Basna, District Mahasamund (C.G.) for the offence punishable under Sections 294, 323, 506/34 IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity), Act, 1989 (as amended Act No.1/2016).
2. The allegation against the present appellants, according to FIR is that, on 18.06.2020 at about 01.10 PM, the appellants assaulted the complainant and his family

members by hands and fists when complainant said them that they have encroached upon the govt. land. The appellants also abused the complainant and his family members by their caste.

3. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in the case. He further submits that the incident took place by the side of road which cannot be termed as public place when complainant said them that they have encroached upon the Govt. land. He also submits that the appellants have also filed counter FIR against the complainant and there is only 10 minutes delay in lodging the same. He further submits that the appellants have not uttered even a single word about the complaint's caste. In support of his submission, he placed reliance on the decisions of this Court passed in **CRA No.845/2020 (Rajnish Mishra Vs. State of C.G.)** and **CRA No.848/2020 (Vijay Jain and another Vs. State of C.G.)**.
4. On the other hand, learned counsel for the State opposed the bail application. Learned counsel submits that there is eye-witness to the incident and as many as 8 abrasions are present on all over the body of complainant.
5. No one appeared on behalf of the complainant thought notice has been served.
6. I have heard learned counsel for the parties and perused the case diary.
7. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the fact that there is counter FIR against the complainant and except Section 3 (2)(va) of the SC/ST Act, other offences are bailable, without further commenting on

merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the appellants. Accordingly, the application is allowed. It is directed that in the event of arrest of the appellants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the appellants shall make themselves available for interrogation before the concerned investigating officer as and when required;
- (ii) that the appellants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the appellants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the appellants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajani Dubey)
Judge