

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

CRA No. 536 of 2021

1. Baneshwar Yadav, S/o Kompal Ram Yadav, Aged About 32 Years, Caste Mahkul, Resident of Tiklipara, Tumla, Police Station Tumla, District-Jashpur, Chhattisgarh.
 2. Jagmohan Yadav, S/o Lakhan Yadav, Aged About 37 Years, Resident of Joranda Jhariya, Police Station Tumla, District-Jashpur, Chhattisgarh.
- Appellants**

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station Tumla, District- Jashpur, Chhattisgarh.
- Respondent**

For Appellants	: Shri Sanjeev Kumar Sahu, Advocate
For Respondent/State	: Shri Adil Minhaj, Government Advocate

Hon'ble Justice Shri Gautam Chourdiya

Judgment on Board

08.07.2021

1. This appeal by the accused/appellants under Section 14-A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 29.04.2021 passed by the learned Special Judge (SC/ST Act), Jashpur (C.G.) in Crime No.55/2020 refusing to allow their regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 186, 294, 506, 323, 325, 341, 353, 307, 148, 427 of IPC and Section 3 (2) (v), 3 (2) (V-A) of SC/ST Act, registered at Police Station- Tumla, District-Jashpur (C.G.).
2. Case of the prosecution, in brief, is that on 11.12.2020, Nayab Tahsildar- Sunil Kumar Gupta alongwith his driver Ranjish Tirkey and peon- Shravan Kumar Nayak after settlement of case at Link Court Jhariya at about 5.30 departed for his headoffice. Near

Sarpanch House, the nayab Tahsildar- Sunil Kumar Gupta had taken action against the illegal sand transporters, over this matter the present appellants alongwith other co-accused persons assaulted the complainant party with hands, clubs, commented filthy remarks against complainant Shravan Kumar on his caste, threw stones/hit the government vehicle by club, gave threat to life, thereby caused hindrance in the discharge of official duties by the complainants/victims.

3. Learned counsel for the appellant submits that the allegations against the appellants are false and fabricated. Counsel for the appellants further submits that the appellants/accused are the the first offenders, the ingredients of Section 307 of IPC and Section 3 (2) (v), 3 (2) (V-A) of SC/ST Act have not been attracted. It is further submitted that charge-sheet has been filed, the appellants are in jail since 22.04.2021, they have no criminal antecedents, there is no likelihood of the appellants tampering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the appellants have no criminal antecedents.
5. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation against the appellants, nature of injury suffered by the victims, detention period of the appellants, who are 32, 37 years old and the fact that charge-sheet has already been filed, the appellants have no criminal antecedents, there is no likelihood of the appellants tampering with the prosecution evidence or absconding as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, without commenting anything on merits of the case, the appeal is allowed.

6. It is directed that in the event of each of the appellants executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on following conditions:-

- (a) 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 fact to the Court,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,
- (e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

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

Sd/-

(Gautam Chourdiya)
Judge

Nadim