

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 843 of 2020

1. Tameshwar Yadav S/o Dev Prasad Yadav, Aged About 21 Years, R/o Village Barbaspur, P.S. City Kotwali, Mungeli, Tahsil And District Mungeli (C.G.).
2. Heera Singh Thakur S/o Suraj Singh, Aged About 24 Years, R/o Village Barbaspur, P.S. City Kotwali, Mungeli, Tahsil And District Mungeli (C.G.).
3. Surendra S/o Shiv Kumar Yadav Aged, About 30 Years, R/o Village Barbaspur, P.S. City Kotwali, Mungeli, Tahsil And District Mungeli (C.G.).
4. Ramavtar Yadav S/o Sukhnandan Yadav, Aged About 28 Years, R/o Village Barbaspur, P.S. City Kotwali, Mungeli, Tahsil And District Mungeli (C.G.).

----Appellants

Versus

1. State Of Chhattisgarh, Through Station House Officer, SC/ST Police Station Mungeli, District Mungeli (C.G.).
2. Dharmendra Jangde S/o Shri Panchram Jangde, Aged About 39 Years R/o Ward No. 16, Kabeer Ward, Mungeli, Tahsil And District Mungeli (C.G.). (*Not impleaded party in the impugned order.*)

---- Respondents

For Appellants	:	Mr. Atul Kumar Kesharwani, Advocate.
For Respondent/State	:	Mr. Sameer Uraon, Govt. Advocate.
For Objector	:	Ms. Sareena Khan, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Judgment On Board

12/01/2021

- 1) This appeal by the accused/appellants under **Section 14-A** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated

10/08/2020 passed by the Special Judge (Atrocity), Mungeli (C.G.), refusing to allow their regular bail under Section 439 Cr.P.C. The appellants are in jail since 01/08/2020 in connection with Crime No. 03/2020 for the offence punishable under Sections 295(a), 34 of Indian Penal Code and under Section 3(1)(f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station SC/ST Police Station Mungeli, District Mungeli (C.G.).

- 2) Allegation against the appellants is that they were dancing in an indecent manner in half naked on the Panthi song of Satnami community, which falls in scheduled castes, and made the said video viral with intention to outrage the religious feelings and beliefs of the said community. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the appellants.
- 3) Learned counsel for the appellant submits that the appellants are innocent person and have been falsely implicated in this case. He submits that the appellants are in jail since 01/08/2020, charge sheet already been filed and conclusion of the trial is likely to take some time. Therefore, the appellants be released on bail.
- 4) Learned counsel for the State also opposing the submission made by the appellants' counsel submits that the trial Court has rightly rejected the bail application of the appellants and there is no illegality or infirmity in the same warranting interference by this Court.
- 5) Dharmendra Jangde, complainant, is present in person alongwith his Counsel Ms. Sareena Khan and raised objection to grant of bail to the appellants.
- 6) Heard learned counsel for the parties & perused the case dairy.
- 7) Considering the facts and circumstances of the case, the nature allegation made against the appellants, the detention period of

the appellants, charge sheet has already been filed and that conclusion of trial is likely to take some time, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the appellants. Accordingly, the appeal is **allowed**. It is directed that in the event of appellant executing a personal **bond** for a sum of **Rs. 50,000/- each** with two sureties of Rs. 25,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

- i. 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,
- ii. They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- iii. They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. They shall not involve themselves in any offence of similar nature in future.

-Sd/-
(Gautam Chourdiya)
Judge