

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 1028 of 2021**

1. Shashikant Shukla @ Pappi, son of Vijay Kumar Shukla, aged around 41 years,
2. Rajnikant Shukla, son of Vijay Kumar Shukla, aged around 42 years,
Both the above resident of Village- Hasaoud, P.S.- Hasaoud, District-
Janjgir-Champa (C.G.)

---- Appellants**Versus**

- State of Chhattisgarh, through the Station House Officer, Police Thana-
Hasaoud, District Janjgir-Champa (C.G.)

----State/Respondent

For Appellants	:	Shri Hari Agrawal, Advocate
For Respondent /State	:	Shri Anand Verma, Deputy Government Advocate
For Objector/Complainant	:	Shri K.P.S. Gandhi, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****01.10.2021**

1. This appeal by the accused/appellants under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 04.09.2021 passed by the Special Judge (Scheduled Castes & Scheduled Tribes [Prevention of Atrocities] Act), Janjgir, District Janjgir-Champa C.G.) in Bail Application No. 670/2021, rejecting their regular bail under Section 439 Cr.P.C. The appellants are in jail since 30.08.2021 in connection with Crime No. 94/2021 registered at Police Station- Hasaoud, District Janjgir-Champa (C.G.). for the offence punishable under Sections 294, 506, 34 of IPC, Section 25 of Arms Act and Sections 3 (1) (r) (s), 3 (2) (v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Prosecution case, in brief, is that complainant Parmanand Jagde has a Medical Store. On 29.08.2021, the appellants and co-accused persons namely Gagan Sahu & Prakash Sahu came in the shop of the complainant

and without saying anything, started abusing him filthily and ran towards the complainant in order to assault him with sword. Then, the complainant in order to save his life, ran away and hid himself inside the house of Ramashanker. Thereafter, the accused came back to his medical shop and threatened the staff of his medical shop. Hence, on report being lodged to the above effect, the aforesaid offences have been registered against the present appellants and other co-accused persons.

3. Learned counsel for the appellants submits that the appellants have been falsely implicated in this crime. He submits that the complainant had insulted the mother of the appellants in his medical shop, therefore, the quarrel started. He also submits that the appellants have no criminal antecedents, there is no apprehension of the appellants tampering with the evidence or absconding, the appellants are in jail since 30.08.2021 and conclusion of the trial is likely to take some time, therefore, the appellants may be released on bail. He also submits that co-accused persons namely Gagan Sahu & Prakash Sahu have already been granted bail by the trial Court.
4. On the other hand, learned counsel for the State as well as learned counsel for the objector oppose the appeal. However, State counsel submits that the appellants have no criminal antecedents.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the nature of allegation made against the appellants, offences under Sections 294, 506 R/w 34 of IPC are bailable except offence under Sections 3 (1) (r) (s), 3 (2) (v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and offence under Section 25 of Arms Act, dispute arose over purchase of medicine, the detention period of the appellants who are 41 & 42 years old, conclusion of the trial is likely to take some time, and the fact that the appellants have no criminal antecedents, there is no apprehension of the

appellants tampering with the evidence or absconding as admitted by learned counsel for the appellants as well as learned counsel for the State, further the co-accused persons have already been granted bail by the trial Court, without expressing any opinion on the 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.

7. It is directed that in the event of each of the appellants executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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.
- 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.

8. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge