

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 859 of 2020**

1. Jagat Prasad S/o Bisundayal Aged About 43 Years Caste Ahir, R/o Ambadipa (Dwari), P.S.- Sanna, Distt. Jashpur (Chhattisgarh)
2. Bednath Yadav S/o Girvar Prasad Aged About 31 Years Caste Ahir, R/o Ambadipa (Dwari), P.S.- Sanna, Distt. Jashpur (Chhattisgarh).
3. Inderadev Yadav S/o Girvar Prasad Aged About 25 Years Caste Ahir, R/o Ambadipa (Dwari), P.S.- Sanna, Distt. Jashpur (Chhattisgarh).
4. Panchu Yadav S/o Ramvriksha Yadav Aged About 36 Years Caste Ahir, R/o Ambadipa (Dwari), P.S.- Sanna, Distt. Jashpur (Chhattisgarh).
5. Ramesh Yadav S/o Panchu Yadav Aged About 18 Years Caste Ahir, R/o Ambadipa (Dwari), P.S.- Sanna, Distt. Jashpur (Chhattisgarh).
6. Sarju Yadav S/o Jatta Yadav Aged About 31 Years Caste Ahir, R/o Ambadipa (Dwari), P.S.- Sanna, Distt. Jashpur (Chhattisgarh).
7. Sunil Yadav S/o Jatta Yadav Aged About 24 Years Caste Ahir, R/o Ambadipa (Dwari), P.S.- Sanna, Distt. Jashpur (Chhattisgarh).

---- Appellants**Versus**

1. State Of Chhattisgarh Through The Station House Officer, Police Station- Sanna, Distt. Jashpur (Chhattisgarh).
2. Baljeetram S/o Late Siguram Korwa Aged About 40 Years R/o Village - Dwari- (Ambadipa), Police Station Sanna District Jashpur (Chhattisgarh).

---- Respondent

For Appellants	-	Shri Awadh Tripathi, Advocate.
For Respondent/State	-	Shri Ravish Verma, Government Advocate and Shri Sanjeev Kumar Sahu, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

25/02/2021

1. Heard.
2. The appellants have preferred this appeal for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.24/20, registered at Police Station: Sanna, District: Jashpur (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323 and 506 of the Indian Penal Code and Sections 3 (1) (R), 3 (1)(S), 3(2) (VA) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. On a dispute involving grazing of Maize crop by the cattles belonging to the appellants party, an altercation took place at about 4:30 p.m. on 30-06-2020, wherein the appellants allegedly formed unlawful assembly and filthily abused the complainant Baljit Ram and thereafter assaulted the complainant and other injured persons by means of hands, fist and club. For the assault, the concerned Police has registered offence under Section 323 of the Indian Penal Code which is bailable in nature.
4. From the contents of FIR, it does not appears that Baljit Ram who happens to be a member of Scheduled Caste community was abused in the name of his caste, therefore, prima facie, there is lack of ingredients attracting offence under Sections 3 (1) (R), 3 (1)(S), 3(2) (VA) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
5. Learned State counsel would vehemently oppose the prayer for grant of bail.
6. On perusal of the material available in the case diary, it appears, while

considering the prayer for grant of bail, the Court below has committed serious error of jurisdiction, inasmuch as, it should have objectively considered the said prayer by having a close look on the material against the accused. While exercising judicial discretion for grant of bail, the trial Court is not expected to conduct an exercise in formality but the same should reflect from the material and further, cogent reasons must be assigned while rejecting the bail application.

7. Considering the entire facts situation of the case, I am inclined to extend the benefit of anticipatory bail.

8. Accordingly, the present appeal is allowed and the impugned order is set-aside. 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 for the like amount to the satisfaction of the Arresting Officer with the following conditions:

- they shall make themselves available for interrogation by a police officer as and when required;
- 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; and
- they shall not influence the witnesses during pendency of the trial.

SD/-
(Prashant Kumar Mishra)
Judge

Amardeep