

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1049 of 2021

- Ashok Tiwari @ Baba Pandit, S/o Late Jagarnath Tiwari, Aged About 60 Years, Residence of Jarhagarh Ambikapur, P.S. And Tahsil Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Appellant.

Versus

- State Of Chhattisgarh Through Police Station Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent.

For Appellant	:	Mr. Vivek Kumar Pandey, Adv.
For Respondent	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Vimla Singh Kapoor

Judgment On Board

11/11/2021

This appeal arises out of the impugned order dated 08.09.2021 passed by Special Judge (Atrocities) Ambikapur, District Surguja rejecting the Bail Application No.784/2021 (Crime No.31/2021) of the accused for the offences punishable under Sections 294, 506, 323, 452, 147, 427, 34 of IPC and 3(2)(5)(क), 3(1)(द), 3(1)(ख) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

2. Prosecution story in brief is that on 07.01.2021 when he along with his colleague were going on their motorcycle, the accused/appellant and others who were standing near the post office called them out, exhorted to catch hold of them and also chased them. When the complainant tried to hide himself in a safe place, the accused persons including the present appellant had abused him filthily in the name of caste and thus caused humiliation to him. The accused persons are also alleged to have thrashed Shivam, Virendra Bakhla and Vikas Kushwaha.

3. Counsel for the appellant submits that the accused/appellant has been falsely implicated in the case and for the wrong-doing of his son he has

unnecessarily been made accused in this case. He further submits that the investigation has been completed and the charge-sheet has been filed.

4. State counsel however, opposes the prayer for bail and holds the order impugned passed by learned Court below to be fully justified and submits that the accused must face the music for his act.

5. Heard counsel for the parties and perused the documents.

6. Having considered the material on record and the statement made by complainant Shivam Singh before this Court on 20.10.2021 through video conferencing that he does not belong to the scheduled caste category, and further keeping in mind yet another statement of Virendra Bakhla who appeared today at the time of hearing of this case through video conferencing to the effect that in fact he had a quarrel with the son of the accused and the accused/appellant herein is not in any way concerned with this case, this Court is of the opinion that the accused/appellant needs to be granted anticipatory bail.

7. Accordingly, the appeal is **allowed** and the impugned orders is set-aside. The appellant is directed to be released on anticipatory bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the Arresting Officer, with the following conditions:

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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

(iii) he shall not influence the witnesses during pendency of the trial.

8. Certified copy as per rules.

Sd/-
(Vimla Singh Kapoor)
Judge

Jyotishi/Ajay