

(2013) 12 CHH CK 0018

In the Chhattisgarh High Court

Case No : Misc. Criminal Case (A) No. 1357 of 2013

Badri Prasad Chandrawanshi and Others

APPELLANT

Vs

State of C.G.

RESPONDENT

Date of Decision : 17-12-2013

Acts Referred:

Citation : (2014) 1 CGLJ 414

Hon'ble Judges : T.P. Sharma, J

Bench : Single Bench

Advocate : Ashok Verma, for the Appellant; Amit Tiwari, Panel Lawyer for the State, for the Respondent

Final Decision : Allowed

Judgement

T.P. Sharma, J.—The applicants have filed this application u/s 438 of the Cr. P.C. for grant of anticipatory bail, apprehending arrest in Crime No. 237/2013, registered at Police Station Pipariya, Distt. Kabirdham, for the offence punishable under Sections 294, 506B, 323 of the IPC and 3(1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. I have heard learned counsel for the parties and perused the case diary.

2 Learned counsel for the applicants submits that this is the first bail application filed on behalf of the applicants for grant of anticipatory bail. No other application of this nature is pending before this Court or before the Court below. The application is duly supported by the affidavits of the applicants themselves. Learned counsel further submits that the applicants have not committed any offence and they have been falsely implicated in the crime in question. Learned counsel also submits that the incident took place on account of construction of house and the applicants have not committed any offence on the ground of caste of the complainant who is a member of Scheduled Caste. The applicants are ready and willing to furnish bail bonds to the satisfaction of the Court and will abide by all the conditions that may be imposed upon them while granting them bail in the event of arrest.

3. On the other hand, learned State counsel opposes the application and submits that the applicants have committed the offence on the ground of caste.
4. On due consideration, especially the FIR and its contents, I am of the view that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed.
5. It is, therefore, directed that if the applicants surrender themselves before Police Station Pipariya, Distt. Kabirdham, within twenty days from today and give notice of their presence to the Station in-charge and in case of their arrest by the said police, if they furnish a personal bond of Rs. 10,000/- each with a solvent surety in the like sum to the satisfaction of the arresting officer, they be released on bail.
6. The applicants shall make themselves available for interrogation by a police officer as and when required and 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.
7. At the time of arrest or accepting bail bond, the Police Station concerned shall ensure the identity of the applicants and their sureties and the fact that whether any order relating to grant or refusal of bail to the applicants u/s 438 of the Cr. P.C. has been passed by the High Court or the Supreme Court and in case of any rejection or grant of bail u/s 438 of the Cr. P.C., the Police Station concerned shall immediately submit its report to the Registry of this Court along with necessary documents. It is made clear that consideration at the time of grant of bail and at the time of framing charge or taking cognizance are not one and same. The Court below shall not be influenced by this order at the time of taking cognizance or framing charge.