

[illegible]

"Bookman Old Style"></span></p> <p class="MsoNormal" style="text-align:justify;text-indent:.5in;line-height:200%"><span style="font-family:"Bookman Old Style";mso-fareast-font-family:Tahoma;mso-bidi-font-family:Tahoma;mso-ansi-language:HU" lang="HU">This is an application under section 438 of the Code of Criminal Procedure for grant of anticipatory bail to petitioner for offence under Sections 294, 323, 324, 341, 342, 34 of IPC and Section 3(1)(10) of SC/ST Act in connection with Crime No.2/2014 of Police Station %u2013 A.J.K. Harijan Kalyan, SDOP, Badamalhara, District - Chhatarpur.</span></p> <p class="MsoTitle" style="text-align:justify;text-indent:.5in;line-height:200%"><span style="font-family:"Bookman Old Style";text-decoration:none;text-underline:

none">According to prosecution, on 4.3.2014, complainant Anil Ahirwar who happens to be a Member of SC/ST class was abused and assaulted by the petitioner who sustained injuries also and petitioner hurdled and abused in the name of caste also.</span></p> <p class="MsoTitle" style="text-align:justify;text-indent:.5in;line-height:200%"><span style="font-family:"Bookman Old Style";text-decoration:none;text-underline:

none">Learned counsel for the petitioner submits that in fact, complainant Anil Ahirwar entered in the house of petitioner for committing theft and was caught on the spot and was beaten by some person. As a counter blast, he lodged the report taking advantage of the caste. Incident did not took place at public place. Provisions of SC/ST Act added in this case deliberately to enhance the gravity of the case and to debar the petitioner with the facility of anticipatory bail.</span></p> <p class="MsoSubtitle" style="margin-left:3.0in;text-indent:.5in"><b style="mso-bidi-font-weight:normal"><u><span style="font-size:9.0pt;mso-bidi-font-size:14.0pt;font-family:"Bookman Old Style";mso-bidi-font-family:Tahoma;mso-ansi-language:HU;font-style:normal;mso-bidi-font-style:italic" lang="HU">M.Cr.C. No.14327/2014</span></u></b><span style="font-size:10.0pt;mso-bidi-font-size:14.0pt;font-style:normal;mso-bidi-font-style:italic"></span></p> <p class="MsoTitle" style="text-align:justify;text-indent:.5in;line-height:200%"><span style="font-family:"Bookman Old Style";text-decoration:none;text-underline:

none">Learned Panel lawyer submits that prima facie evidence is available to show that hurdled and abused in the name of caste by the petitioner in public places.</span></p> <p class="Ww-BodyText2" style="text-indent:.5in;line-height:200%"><span style="font-family:"Bookman Old Style";mso-fareast-font-family:Tahoma;mso-ansi-language:HU" lang="HU">In response, learned counsel for petitioner submits that it is a counter

blast of case of theft committed by the complainant.

Without making any comments on merits of the case and overall facts and circumstances of the case, I deem it proper to grant anticipatory bail to the petitioner.

Petitioner Anil Rai is directed to join the investigation immediately and will cooperate with the investigating agency. In the event of arrest, petitioner shall be released on bail on his furnishing a personal bond in a sum of Rs.30,000/- with a surety in the like amount to the satisfaction of arresting officer/trial Court.

Conditions of Section 438(2) Cr.P.C. shall apply on the petitioner during currency of bail.

C.C. as per rules.

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(Tarun Kumar Kaushal)

Judge

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