

M.Cr.C. No. 11346 of 2014

31.07.2014

Shri Manish Tiwari, learned counsel for the applicant.

Shri R.N. Yadav, learned PL for respondent-State.

Learned PL submits that he is under receipt of the case diary.

Heard.

On behalf of the applicant, this petition is filed under Section 438 of Cr.P.C for grant of anticipatory bail as he is under apprehension of his arrest in connection of Crime No. 253/14, registered against him at Police Station Junnardev, district Chhindwara for the offence of Sections 341, 384, 294, 506 of IPC and Section 3 (1) (x) of SC/ST (Prevention of Atrocities) Act.

The applicant's counsel after taking me through the petition as well as the impugned rejection order argued that taking into consideration the nature of the scenario as available in the case diary, it is apparent that the alleged act was not committed by the applicant with intention to humiliate the victim on account of his caste covered under the SC/ST Act as such the matter was relating to some commercial transaction of the sand and in order to resolve the civil dispute, the provisions of Criminal Law cannot be invoked. In continuance, he said that except Section 384 of IPC, all other Sections invoked in the matter are bailable under the law and it is also apparent that nothing was extorted by the applicant from the victim. With these submissions, he prayed for extending the benefit of anticipatory bail to the applicant.

The aforesaid prayer is opposed by the learned PL with the assistance of the case diary saying that looking to the nature of the offence and manner in which it was committed by the applicant inspite knowing the fact that the victim belongs to the caste covered under the aforesaid Act, in view of bar created by Section 18 of the aforesaid Act for grant of anticipatory bail, the applicant does not deserve for

extending the benefit of the same and prayed for dismissal of the petition.

Having heard the counsel, keeping in view the arguments, after perusing the case diary, taking into consideration the nature of the alleged cause of incident, so also the nature of transaction in which some royalty was demanded by the applicant and the same was not paid by the victim, so *prima facie*, it could not be said that the caste of the victim was the reason of the alleged incident alongwith the nature of evidence collected by the investigation agency regarding alleged extortion, without expressing any opinion on merits of the matter, this petition is allowed and the applicant is extended the benefit of anticipatory bail.

It is further directed that in the event of the arrest of the applicant, on furnishing a personal bond of **Rs. 20,000- (Rs. twenty thousand)** alongwith one surety of the like amount to the satisfaction of the Investigating Officer/Arresting Authority, the applicant, Sageer Khan shall be released on bail.

Such release shall be subject to terms and conditions enumerated under **Section 438 (2) of the Cr.P.C.**

C c as per rules.

**(U.C. Maheshwari)
Judge**

bks