

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 868 /2015

1. Pursotam, S/o. Late Ramsharan, Aged About 21 Years, Caste Kalar,
2. Radhabai, Wd/o. Late Ramsharan, Aged About 55 Years, Caste Kalar,
Both R/o. Tarda, Tahsil Kartala, Thana Kartala, Civil & Revenue District - Korba (Chhattisgarh).

---- Applicants

Versus

1. State Of Chhattisgarh, Through: Station House Officer, Police Station : Urga, Civil & Revenue District Korba (Chhattisgarh).
2. Aatmaram Khute, S/o. Late Darasram, Aged About 46 Years, Caste- Satnami, R/o. Tarda (Bhatapara), Chowki & Thana Urga, Tahsil Korba, Civil & Revenue District - Korba (Chhattisgarh).

---- Respondents

For Applicants : Mr. Punit Ruparel, Advocate

For Respondent No.1 : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

1. Apprehending arrest in connection with Complaint Case No.919/2014 registered at Police Station- Urga, District Korba (C.G.) for the offence punishable under Sections 294, 506(B) of Indian Penal Code, Section 3(1)(10) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and Section 4, 5 of Tonhi Pratarna Adhiniyam, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, the applicants on 15.08.2008 entered into the house of the victim and thereafter used filthy language and assaulted him. On the complaint filed by the complainant/Respondent No.2, the case is registered under Section

3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act and Section 4 & 5 of Tonhi Pratarna Adhiniyam.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and no case is made out against them.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the fact that the case was registered on a complaint made by the complainant and prima facie the Court of jurisdiction has found that the case under Section 3(1)(x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act is made out. Therefore, prima facie the Court below has found that the offence is made out under the provisions of Section 3(1)(x). Consequently, the instant bail application would not be tenable in view of the bar made under Section 18 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, therefore, I am not inclined to grant anticipatory bail to the applicants, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge