

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1265 /2015

Kheelu Ram Sahu, S/o Daya Ram Sahu, Aged About 27 Years, Caste Teli, R/o Village Kharthuli, P.S., Tahsil Balod, Civil & Rev. Distt. Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. City Kotwali Balod, Civil & Rev. Distt. Balod, Chhattisgarh

---- Respondent

For Applicant : Mr. P.P.Sahu, Advocate.

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/12/2015

1. Apprehending arrest in connection with Crime No.343/2015 registered at Police Station- City Kotwali, District Balod (C.G.) for the offence punishable under Sections 294, 506, 323 of Indian Penal Code and Section 3(1)(10) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, in brief, on 01.08.2015 the complainant Khilawan Singh had gone to fill petrol on his vehicle which dashed with the vehicle of the applicant, thereafter, altercation started and it is alleged that the complainant at that time abused in the name of caste.
3. Learned counsel for the applicant submits that the applicant and the complainant are resident of different places, therefore, inference of intention cannot be drawn under Section 3(1)(10) of SC & ST Act, as they were not known to each other. He further submits that at the prior point of time, the applicant made a report

and subsequently on the counter blast to it, the instant report was made and in the FIR, the allegations of 3(1)(10) abusing by name of caste has not been mentioned.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and he would submit that to the credit of the applicant three other criminal cases are registered, one is under Section 323 & 294 bearing Crime No.966/2014 and other two cases are of the Chhattisgarh Agricultural Cattle Preservation Act, 2004.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the FIR would show that the applicant had abused and assaulted the complainant thereby he sustained injury. Taking into allegation made in the FIR and considering the past antecedents of the applicant that to the credit of the applicant three criminal cases were registered, I am not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge