

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1055 of 2015

1. Parveen Raja Khan, W/o. Afjal Khan, aged about 40 years, R/o. Dabari Para Keshkal, P.S. Keshkal, Revenue and Civil District Kondagaon (C.G.)

----Applicant

Versus

1. The State Of Chhattisgarh, Through : the Police Station Keshkal, District Kondagaon (C.G.)

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/11/2015

1. Apprehending arrest in connection with Crime No.47/2015 registered at Police Station- Keshkal, District – Kondagaon (C.G.), for offence punishable under Section 294, 506 of I.P.C. and Section 3 (1) (10) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, 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 case, the complainant namely Smt. Geeta Dhruve has made a complaint to the Superintendent of Police alleging that while taking the possession of the land, the dispute arose and on the date of incident resulted into abuse as the complainant was abused in the name of her caste. Thereafter, the report was made and the offence is being investigated.
3. Learned counsel for the applicant submits that entire issue is arising

out of land dispute, therefore, it can not be stated that the offence under Section 3 (1) (10) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made. He relied on the case law reported in 2007 (1) C.G.L.J. 414 and would submit that if there is a land dispute, the provisions of section 3 (1) (10) would not be attracted.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. I have gone through the case diary and the FIR. Perusal of the FIR would show that specific averments have been made that the complainant was abused in the name of her caste. Therefore, taking into account the nature of offence as the investigation is going on and 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.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge