

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1273 of 2015

1. Pramod Shankar Sharma, S/o. Bhawani Shanker Sharma, aged about 38 years, Occupation-Farmer, R/o. Village-Kathani, Tahsil and P.S. Poussour, Present resident of Chhoteatarmuda, Raigarh P.S. And Tahsil- Raigarh, District – Raigarh (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through : P.S. - Chakradhar Ngar (AJK), Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant	: Mr. Vineet Kumar Pandey, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/12/2015

1. Apprehending arrest in connection with Crime No.19/2015 registered at Police Station- AJK, Chakradhar Nagar, Raipur, District – Raigarh (C.G.), for offence punishable under Section 294, 323, 506(B) of I.P.C. and Section 3 (1) (x) of S.T. & S.C. of Prevention of Atrocity Act, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the complainant went to the house of applicant, it is alleged that the applicant assaulted the complainant in the name of the caste and further abused and assaulted and dragged her outside the house.
3. Learned counsel for the applicant would submit that, the applicant has been falsely implicated in this case. He would further submit that the complainant herself raising suspicion over relation of the wife of the applicant with her husband, therefore, she had made false calls for

which the complaint was made to the police by the applicant. He would further submit that since the incident was happened inside the house, therefore, the bar of Section 18 would not come into play. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail .
5. Having regard to the report and the statement, prima-facie it appears that bar of Section 18 of the S.C. & S.T. (Prevention of Atrocity) Act would come into play. Taking into the allegation made it appears that custodial interrogation of the applicant may be required. Therefore, I am not inclined to grant anticipatory bail to the applicant. However, considering the allegations and counter allegation as prayed liberty is given to the applicant that if he surrenders and moves regular bail application before the concerned Trial Court, then in such eventuality it may be considered by the Trial Court as early as possible preferably on the same day.
6. Accordingly, the anticipatory bail application is dismissed with aforesaid observation.

Sd/-
(Goutam Bhaduri)
Judge