

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 37 /2016

Ram Kripal Tiwari, S/o. Late Gauri Nandan Tiwari, Aged About 62 Years,
R/o. Senior H.I.G. 1, 606, Block C, Kanchan Ashwa Parisar, Dindayal
Upadhyay Nagar, Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, SC / ST Police
Station- Janjgir, Distt. Janjgir - Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Varun Sharma, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/02/2016

1. Apprehending arrest in connection with Crime No.42/2014 registered at Police Station- SC / ST Janjgir, District Jangjir- Champa (C.G.) for the offence punishable under Section 3(1)(10) [Now 3(1)(r)] of the Scheduled Castes & 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, Anurodh Singh was working as Assistant Engineer in C.G. State Power Transmission Company, who was entrusted certain work to lay down the tower at village - Kashidih and the work was being carried out by one Green Tech Company. The applicant on 25.12.2012, visited the spot and due to slow progress of work, he was enraged and he abused and uttered that the reserved class category should not be taken into service and further stated that they avail the service but they do not

have the intelligence of mind to execute the work and he further stated that the work be handed over to some other people of higher community. Thereby, the complainant was abused in the name of the caste and the offence has been committed.

3. Learned counsel for the applicant submits that the applicant, who is a retired Engineer has been inculpated in the false allegation as he was higher officer of the complainant and since no work was carried out according to the instructions, the applicant asked him to perform the official job, which in turn has given such colour of abuse in the name of the caste. He submits that the FIR was made in the year 2014 and in the year 2013, the complainant also made a complaint to the National Commission for Scheduled Tribe, wherein such part of the allegation was omitted as per Annexure A/2. He further submits that the nature of the work was supervisory capacity, therefore, the ingredients of Section 3(1)(10) are not made out. Consequently, the bar under Section 18 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act would not apply and therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and would submit that the preliminary enquiry was conducted at the behest of the State and it was found that the applicant has abused the complainant in the name of the caste and therefore, the report has been made.
5. Perused the preliminary enquiry and the report carried out by the official of the State Electricity Distribution Company. In the enquiry report, prima-facie it was found that the offence has been made out and it would take within its sweep of Section 3(1)(10) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. Considering the documents and the case diary, it would attract

the bar of Section 18 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, as prima-facie after detailed enquiry, the offence under Section 3(1)(10) is made out. Consequently, I am not inclined to enlarge the applicant on anticipatory bail, as perusal of the case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.

6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge