

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 260 of 2016

1. Bhawarlal Jain, S/o. Manaklal Jain, aged about 67 years, R/o. Village-Dondi Lohara, P.O. And P.S. - Dondi Lohara, Tehsil – Dondi Lohara, District – Balod (Erstwhile District Durg) (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through : Officer-in-Charge, P.S. Dondi-Lohar, District-Balod (Erstwhile District-Durg (C.G.)

---- Respondent

For Applicant	: Mr. Kshitij Sharma, Advocate
For Respondent/State	: Mr. Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2016

1. Apprehending arrest in connection with Crime No. 22/1995 registered at Police Station- Dondi-Lohara, District – Balod (C.G.), for offence punishable under Section 3 (1) (x) of the SC & ST (Prevention of Atrocity) Act, 1989, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a charge-sheet was filed under Section 294, 506/34 on 13.03.1995 and on 31.10.1995, charges were framed under Section 294, 506-B of I.P.C against that the complainant has preferred a revision, wherein the Revisional Court of Third Additional Sessions Judge, Durg has held that case under Section 3 (1) (x) of SC & ST (Prevention of Atrocity) Act is also made out. Against that, the applicant preferred a revision before the High Court., The said revision was dismissed by the High Court vide order dated 16.07.2008 in Criminal Revision No.896/1996. Thereby the order of the Third

Additional Sessions Judge was affirmed.

3. Learned counsel for the applicant would submit that the applicant is continuously attending the Court for last 20 years and he is aged about 67 years and is patient of Cancer and therefore, considering the back ground of this case, the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the State counsel opposes the application for grant of anticipatory bail.
5. Perused the order sheet. Prima-facie it appears that the Revisional Court in its revision has given verdict that the offence under Section 3 (1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act is made out, which has been affirmed by the High Court. Therefore, prima-facie it is found that the offence under Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act is made out. Consequently, the bail application under Section 438 would not lie as there is bar has been created under Section 18. Taking into the submission made and the documents and further considering the fact that the applicant is suffering from Cancer, the applicant may surrender and apply for regular bail before the concerned trial Court and if such application is filed, the concerned trial Court shall consider and decide the same on merits as early as possible preferably on the same day.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is disposed off.

Sd/-
(Goutam Bhaduri)
Judge