

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 153 of 2016

1. Shakharam S/o. Manhagu Lodhi, aged about 21 years, R/o. Gochhiya, Police Station Kawardha, Civil and Revenue District Kabirdham (C.G.)
2. Deelip S/o. Maniram, aged about 25 years, R/o. Gochhiya, Police Station Kawardha, Civil and Revenue District Kabirdham (C.G.)

---- Petitioners

Versus

State of Chhattisgarh, Through : District Magistrate, /Station House Officer, Police Station A.J.K. Kawardha, District Kabirdham (C.G.)

---- Respondent

For Petitioners	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/02/2016

1. Heard on application for modification of the order dated 25.01.2016, passed in M.Cr.C. No. 7421/2015.
2. The bail was granted petitioners vide order dated 25.01.2016 in M.Cr.C. No. 7421/2015 for the offence punishable under section 354/34 of IPC and Section 7 & 8 of the Protection of Children from Sexual Offences Act and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Counsel for the petitioners submits that the charge sheet has been filed under section 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and wrong section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 was mentioned in the bail rejection order of the Lower Court, therefore, this mistake has happened and actually the offence is under section 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. State counsel do not dispute the fact and submits that actually the offence is under section 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
5. Perusal of the case diary would show that the offence is registered against the petitioners under section 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, it is observed that in the bail order dated 25.01.2016 passed in M.Cr.C. No. 7421 of 2015 the offence under section 3(1)(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 be read as as under section 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the bail shall be effective.
6. Consequently, the petition stands disposed off.
7. C.C. Today.

Sd/-

(Goutam Bhaduri)
Judge