

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 663 of 2020**

1. Dhanaram Yadav S/o Late Kamta Prasad Yadav Aged About 40 Years
2. Bedram Yadav S/o Late Kamta Prasad Aged About 64 Years
3. Sevakram Yadav S/o Late Kamta Prasad Aged About 50 Years
4. Kanhaiyalal Yadav S/o Sevakram Aged About 35 Years
5. Lokesh Yadav S/o Dhanaram Yadav Aged About 19 Years
6. Ku. Sharda Yadav D/o Dhanaram Yadav Aged About 19 Years
7. Sunil Yadav S/o Sevakram Yadav Aged About 19 Years
8. Manaram Yadav S/o Late Kamta Prasad Aged About 42 Years
9. Shanti Bai W/o Shri Dhanaram Yadav Aged About 36 Years
10. Roshan Yadav S/o Dhanaram Yadav Aged About 17 Years, through natural guardian – father Dhanaram Yadav,
11. Ku. Shraddha Yadav D/o Shri Dhanaram Yadav Aged About 14 Years Through Natural Guardian Father Dhanaram Yadav ,

All are R/o Village Batra Police Station Pali Tahsil Pali, District Korba Chhattisgarh

---- Appellants

Versus

- State Of Chhattisgarh Through District Magistrate Korba , District Korba Chhattisgarh

---- Respondent

For Appellants

Mr. Dharmesh Shrivastava, Advocate

For Respondent /State

Mr. Ravish Verma, GA

For Respondent/Objector

Mr. Arvind Shrivastava, Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra
Order On Board

09/12/2020

1. Heard.
2. The appellants have preferred this appeal for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.3/2020 registered at Police Station Anusuchit Jati Kalyan, Korba for the offence punishable under Sections 147, 148, 149, 294, 323, 506 of the IPC and Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Pursuant to a dispute concerning rash driving of motorcycle a quarrel took place between Satyajeet Maravi and Roshan Yadav. Thereafter another round of quarrel took place at about 9.30 pm amongst the family members of both the parties. While the applicants have lodged the FIR within few hours of the incident, the present complainant party lodged the FIR on 24.03.2020 i.e. after four days of the incident. Out of offence registered against the applicants, the offence under Section 3 (1) (r) & 3 (1) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act are the only non bailable offence.
4. Learned counsel for the applicants submit that a quarrel, altercation and simple maar-peet has been given the colour of an offence concerning the caste status of the complainant. He would further submit that in the counter case the opponent party has been enlarged on anticipatory bail in M.Cr.C.A. No.621

of 2020. Therefore, the present applicants may also be enlarged on the anticipatory bail.

5. Per contra, learned State counsel and learned counsel for the objector would submit that prima facie the offence under Sections 3(1) (r) & 3 (1) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'the Act, 1989') is alleged against the applicants, therefore, they are not entitled to be enlarged on anticipatory bail in view of the bar under Section 18 of the Act, 1989.
6. Having seen the case-diary, it appears that a simple dispute concerning rash driving of motorcycle led to quarrel and it does not appear that the incident took place and the abuses were made only with an intent to humiliate the complainant party in the name of caste. Even if the same is to be decided after the full blown trial. Suffice it would be to mention that the present FIR is delayed by about 4 days, therefore, it raises suspicion as to why immediate FIR was not lodged when the incident took place and more so when the other party has already lodged the FIR.
7. At this stage, learned State counsel submits that the present FIR was infact registered on 20.03.2020, however, on perusal of the case-diary it appears that originally a Sanha No.13 was written on the basis of which a hand written FIR on zero was taken down and later on the actual FIR was registered at 15.00 hours on 24.03.2020. Thus, the submission of learned counsel for the

applicants that the FIR is delayed is substantiated from the diary itself.

8. Considering the entire facts situation of the case and for the delay in lodging the FIR, I am inclined to admit the applicants, which includes several lady members of the family, to anticipatory bail.
9. Accordingly, the appeal is allowed and the impugned order is set-aside.
10. The appellants are directed to be released on anticipatory bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions:
 - (i) they shall make themselves available for interrogation by a police officer as and when required;
 - (ii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
 - (iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge