

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 708 of 2020**

- Vinay Prakash Shukla S/o Late Bandhidhar Aged About 37 Years Caste - Brahman, Occup - Agriculture, R/o Village - Sukharapara, Thana And Tehsil - Pathalgaon, District - Jashpur Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through P.S. Pathalgaon, District - Jashpur Chhattisgarh

---- Respondent

For Appellant	:	Shri Sanjay Agrawal, Advocate
For State	:	Smt. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****03/12/2020**

At the outset, learned counsel for the appellant brings to the notice of this Court that the appellant had moved an application for grant of anticipatory bail apprehending his arrest in connection with Crime No.84/2020 for alleged commission of offences under Section 294, 506B, 353, 184/34 of IPC. Learned Court below exercised its jurisdiction to reject the application on such ground. The appellant has filed this appeal under Section 14-A (2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'the Act of 1989') but now, it is revealed that at the time when the bail application was rejected and this application was filed, no offence alleging commission of offence under the provisions of the Act of 1989 was registered. Therefore, appropriate orders may be passed.

2. Learned State counsel would submit that appropriate orders may be passed in view of provisions contained in the Act of 1989.

3. The bail application of the appellant which was filed before the Court below was in connection with Crime no.84/2020 registered by police of Police Station – Pathalgaon for alleged commission of offence under Section 294, 506B, 353, 184/34 of IPC. Learned Court below considered the application on the alleged offence and rejected. At the time of consideration of bail application and rejection, it was not

registered under the Act of 1989. Obviously, in such cases, where there is no involvement of any of the provisions of the Act of 1989, no appeal would lie against the order of rejection. Therefore, the order dated 05/06/2020 passed by the Additional Sessions Judge, Pathhalgaon is not appealable under Section 14-A (2) of the Act of 1989. Therefore, the appeal is not competent, could not be maintainable and is accordingly dismissed.

This, however, leaves the appellant to take appropriate remedy to seek anticipatory bail before appropriate Forum.

Original copy of affidavit of the complaint filed along with the application for taking document on record dated 26/11/2020, be returned after retaining photo copy.

Sd/-
(Manindra Mohan Shrivastava)
Judge