

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**CRA No. 825 of 2021**

1. Suresh Gupta S/o late Shri Arjun Prasad Gupta, aged about 55 years, residing at Danteshwari Ward Jagdalpur Distt. Bastar, Chhattisgarh
2. Manohar Dutt Tiwari S/o late Shri Shankar Lal Tiwari, aged about 52 years, R/o near Mahavir Bhawan Subhash Ward Jagdalpur Distt. Bastar Chhattisgarh
3. Subrato Vishwas S/o Shri Sudhanshu Vishwas aged about 42 years R/o Orna Colony Adawal Jagdalpur Distt. Bastar Chhattisgarh
4. Raghu Sethiya S/o late Mannulal Sethiya, aged about 53 years, R/o village Markel P.s. Nagarnar Distt. Bastar, Chhattisgarh

-----Appellants**VERSUS**

- State of Chhattisgarh through: Police Station Adim Jati Kalyan Thana Jagdalpur, District Bastar, Chhattisgarh

-----Respondent

For Appellants	: Mr. P.K. Tulsyan, Adv.
For Respondent- State	: Mr. Vimlesh Bajpai, Govt. Adv.

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****07/09/2021**

1. Heard.
2. Complainant is present in person before this Court through virtual mode from District Legal Services Authority, Jagdalpur, Chhattisgarh.
3. This appeal arises out of rejection of application filed under Section 438 of CrPC filed in connection with crime bearing no. 1/2021, registered at Police Station- Adim Jati Kalyan Thana, Jagdalpur District Bastar, Chhattisgarh, for offence defined under Sections 147, 186, 341 of IPC and Section 3(1)(u) of SC/ST (Prevention of Atrocities) Act, 1989 (for short "Act of 1989").

4. Appellants apprehending their arrest in crime no. 01/2021, had filed an application under Section 438 of CrPC before the Special Judge (SC/ST Prevention of Atrocities) Act, Jagdalpur, District Bastar, Chhattisgarh, which was dismissed by impugned order dated 22.07.2021.
5. As per the case of prosecution, on 06.01.2021, applicants along with other persons have rushed to Road Transport Office (RTO) raising their objection of corruption done by the office of RTO. In furtherance of registering their objection they have entered into office premises, have painted name plate affixed in front of chamber of complainant and also stated that they are only painting name plate, had the complainant present in his office his face would also have been painted. Based on the report crime is registered against appellants and one another.
6. Mr. P.K. Tulsyan, learned counsel for the appellants submits that appellants have not entered into the office premises with any enmity but went there to raise objection against corruption. He further submits that appellants were not knowing the social status of complainant and therefore action of appellants will not come within the purview of provision under Section 3(1)(u) of Act of 1989. He submits that except the said provision under the Act, all other offence as registered against appellants are bailable.
7. On the other hand, Mr. Vimlesh Bajpai, learned State counsel opposes the submissions made by learned counsel for the appellants and submits that at the time when appellants with others entered into office premises complainant was not present in the office and went to attend meeting in the office of District Magistrate/ Collector. When complainant returned after attending meeting, other official present in

the office have intimated the happening of incident and thereafter report was lodged. There are other crime registered against the appellants, hence, appellants are not entitled for benefit of provisions under Section 438 of CrPC. He submits that in view of the commission of crime under the Act of 1989, application for grant of anticipatory bail is not maintainable and the learned court below has rightly dismissed the application for grant of bail to be not maintainable. Learned counsel read-over the statement of witnesses and employees of RTO in support of his contentions.

8. I have heard learned counsel for the respective parties.
9. Taking into consideration the nature of allegations, statement of witnesses recorded under Section 161 of CrPC and also considering that it is not a case made out by the appellants that the complaint has been made with any malafide intention, the order passed by court below that the application for grant of anticipatory bail is not maintainable cannot be said to be erroneous in view of specific bar under Section 18 of the SC/ST Act.
10. For the foregoing reasons, I do not find any substance in the appeal. Appeal being devoid of any substance which is liable to be and is hereby dismissed.

Sd/-
(Parth Prateem Sahu)
 Judge