

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 856 of 2021

- Roshan Sachdev, S/o Late Gurubakshmal Sachdev, Aged About 30 Years R/o By Caste Kshetriya (Sindhi) Karamchari Colony, Bhanupratappur, District Uttar Baster Kanker Chhattisgarh

---- Appellant

Versus

- The State Of Chhattisgarh Through Police Station Bhanupratappur, District Uttar Baster Kanker Chhattisgarh

---- Respondent

For Applicant	: Shri Parag Kotecha, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

14.09.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the Appellant as he apprehends his arrest in connection with Crime No. 126 of 2021 registered at Police Station Bhanupratappur, District- Uttar Baster, Kanker, Chhattisgarh for commission of offenses punishable under Sections 323, 354, 354(D), 506 (Part II) 279 and 337 of IPC, Section 3(1)(v)(1) and 3(2)(v-a) of Schedule Caste & Schedule Tribe (Prevention of Atrocities) Act, 1989 (hereafter, referred to as 'Act of 1989').
2. Case of the prosecution, in brief, is that, prosecutrix and appellant are known to each other and he has talking terms with her on mobile phone. After sometime, appellant started sending obscene messages to prosecutrix, upon which she blocked his mobile number. On 07.06.2021 when prosecutrix was travelling on her Scooty from her house Raanvaahi to Kanker, and reached near Kulhadkatta Triangle, appellant came in his I-10 Car and dashed her Scooty, due to which she fell down. Thereafter, appellant came near to her and started misbehaving with her and tried to outrage her modesty. When some other persons came on Motorcycle on road, appellant left prosecutrix and went away. Incident

was reported to concerned Police Station, based on which crime was registered against appellant.

3. Appellant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Parag Kotecha, learned counsel for the appellant would submit that allegations levelled against the appellant are absolutely false and frivolous as appellant and prosecutrix are known to each other and they are having friendly relationship. He submits that on the date of incident, Scooty of complainant came in contact with appellant's I-10 Car upon which she fell down. Thereafter, appellant tried to help her and he went away. On the date of incident, he has not committed any offence as alleged against him. He further submits that appellant has not committed any offence on the ground that prosecutrix belongs to a particular Caste ie Schedule Caste. Hence, offence under the Act of 1989 will not be attracted. Learned Court below has dismissed the application for anticipatory bail only considering that offence under the Act of 1989 was registered against appellant and the application for grant of anticipatory bail to be not maintainable in view of bar under Section 18 of the Act of 1989. He submits that as the offence under the Act of 1989 is not attracted, application for anticipatory bail would be maintainable and prays that appellant be enlarged on anticipatory bail.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that allegations levelled against appellant are serious in nature. He further submits that on the date of incident, after causing accident to

complainant/prosecutrix, appellant further made attempt to hug her, put his hand on the chest of complainant with bad intention. He left her only when some other persons were coming by Motorcycle that way on road. Apart from offence under Section 3 (2) (va) of the Act of 1989, 3(1)(w)(i) {wrongly mentioned as 3(1)(v)} is also registered against appellant, hence, Court below has rightly dismissed application for anticipatory bail to be not maintainable in view of Section 18 of Act of 1989.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against appellant and the provision under Section 18 of the Act of 1989, I do not find any error in impugned order passed by the Court below. In view of specific bar under Section 18 of the Act of 1989, application for grant of anticipatory bail is not maintainable. Accordingly, appeal is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma