

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 753 of 2020**

1. Laddu Singh S/o Late Satendra Singh Aged About 35 Years
Caste- Kshatriya, Resident Of Village - Tikri, Husainabad,
District- Palamu (Jharkhand) At Present Village- Piparsot, P.S.
And Tahsil - Balrampur, District - Balrampur-Ramanujganj
(Chhattisgarh)
2. Manish Kumar Singh S/o Dhananjay Singh Aged About 22 Years
Caste- Kshatriya, Resident Of Village - Tikri, Husainabad,
District- Palamu (Jharkhand) At Present Village- Piparsot, P.S.
And Tahsil - Balrampur, District - Balrampur-Ramanujganj
(Chhattisgarh)
3. Dharmveer Singh @ Chhotan Singh S/o Ramnaresh Singh Aged
About 48 Years Caste- Kshatriya, Residence Of Village -
Piparsot, P.S. And Tehsil - Balrampur, District - Balrampur-
Ramanujganj (Chhattisgarh)

---- Appellants**Versus**

- State Of Chhattisgarh Through Station House Officer Ajak, Police
Station - Balrampur, District- Balrampur-Ramanujganj
(Chhattisgarh), District : Balrampur, Chhattisgarh

---- Respondent

For Appellants	: Shri Sunil Tripathi, Advocate
For Respondent/State	: Shri H.S.Ahluwalia, Dy.AG
For Respondent/Objector	: Shri Arun Kumar Shukla, Advocate

Hon'ble Smt. Justice Rajani Dubey**Order On Board****08/04/2021**

This appeal has been filed by the accused/appellants under Section 14A(2) of the Scheduled Cases and Scheduled Tribes (Prevention of Atrocities) Act against the order dated 26.05.2020 passed in bail application No. 162/2020 passed by the Special Judge

(SC/ST Act) Balrampur district Ramanujganj (CG) whereby the bail application filed by the appellants under Section 438 of the Code of Criminal Procedure has been rejected.

The appellants are apprehending their arrest in connection with Crime No. 18/2020 registered at police station AJAK, Balrampur, district Balrampur-Ramanujganj for the offence punishable under Sections 294,323,325,34 IPC and Section 3(1)(d)(dha) of the SC/SC (Prevention of Atrocities) Act.

Case of the prosecution in brief is that on the date of incident when the complainant along with his companions was threshing wheat in his field, appellants came there and after abusing and threatening them in the name of caste, assaulted with rods and club. It is stated that the appellants were intoxicated and asking to remove the thresher.

Contention of the counsel for the appellants is that the appellants have been falsely implicated in the present case. He submits that in the present circumstances of the pandemic Covid-19, the investigation will take time and therefore the appellants may be granted bail.

On the other hand, learned counsel for the State opposes the bail application.

In the matter of **Pavas Sharma Vs. State of Chhattisgarh and another (Cr.A. No. 806/2020 order dated 22.01.2021)**, the Co-ordinate Bench has elaborately dealt with the issue pertaining to the offence under the Act 1989 and found that merely because the FIR has been lodged against the appellant for the offence under Section 3(1)(d)(dha) of the SC/SC (Prevention of Atrocities) Act, the court below has rejected

the application holding it to be not maintainable in view of the provisions contained under Section 18 of the Act of 1989, without taking into consideration the law laid down by the Apex Court in the case of **Prathvi Raj Chouhan Vs. Union of India and Others** reported in (2020) 4 SCC 727. It has been held that though offence under the Act of 1989 is registered and application for grant of bail is filed, the Court is required to apply its mind to the relevant provisions of law and consider as specified by the Apex Court in the case of **Prathvi** (supra) and if the material on record leads to satisfaction that the complaint does not make out a prima facie case, for applicability of the provisions of the Act of 1989, the bar created under Section 18 of the Act of 1989 shall not apply and in appropriate cases of exceptional nature, benefit of anticipatory bail could be granted to the applicant. The court below has committed patent illegality in mechanically rejecting the bail application. Therefore, order of rejection, cannot be sustained in the eye of law, and is set aside.

Having heard counsel for the parties and considering the totality of the facts and in view of the order passed by this Court in **Pavas** (supra), this Court is of the view that it is a fit case to grant anticipatory bail to the appellants. Accordingly, the application is allowed and it is directed that in the event of arrest of the appellants' in connection with the aforesaid offence, they shall be released on bail on their executing a personal bond in sum of Rs. 25,000/- each with one surety to the satisfaction of the trial Court. The appellants shall also abide by the following conditions :

I) that the appellants shall make themselves available for interrogation before the concerned investigating officer as and when required:

ii) that 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 them from disclosing such facts to the Court or any police officer;

(iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)

Judge