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CGHC010340122026 2026:CGHC:44428

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2259 of 2026

1 - Lambodar Soni S/o. Late Shri Bihari Soni, Aged About 59 Years R/o. Village And Post -Gaindatola, Tahsil -Chhuriya, District -Rajnandgaon (C.G.)

2 - Dharmendra Soni S/o. Shri Lambodar Soni, Aged About 31 Years R/o. Village And Post -Gaindatola, Tahsil -Chhuriya, District -Rajnandgaon (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station Gaindatola, Distt - Rajnandgaon (C.G.)

... Respondent(s)

For Appellant	**:**	Mr. Khilendra Sahu, Advocate
For Respondent/State	**:**	Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

14/10/2026

1. The appellants have preferred this Criminal Appeal under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act, 1989 for setting aside the order dated 20.08.2026 passed by the Learned Special Judge (Atrocities Act), Rajnandgaon, District Rajnandgaon (C.G.) and for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No. 48/2026, registered at Police Station- Gaindatola, District Rajnandgaon (C.G.) for the offence punishable under Sections 296, 115(2) & 3(5) of BNS and Section 3(2)(va) of the Scheduled

Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘the Atrocities Act).

2. As per the case of the prosecution, on 15.7.2026, the complainant, Subesingh Kanwar, lodged an FIR stating that on 13.7.2026, the appellants took him to a hotel and thereafter assaulted him with their hands and fists and abused him by referring to his caste. On the basis of the said complaint, the police registered an FIR against the appellants for the aforesaid offences.

3. Learned counsel appearing for the appellants would submit that the offence under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act is not made out and that the offences under Sections 115(2) and 296 of the Bharatiya Nyaya Sanhita (BNS) are bailable. He would further submit that, according to the FIR, the appellants used the word ‘Kanwar’, which is the surname of the complainant, and there is no allegation that the complainant was abused by referring to his caste. Accordingly, he prays that the appeal be allowed.

4. On the other hand, learned counsel for the State opposes the criminal appeal and the submissions made by learned counsel for the appellants. He would submit that the appellants have five criminal antecedents and that they abused the victim by referring to his caste. He would further contend that a prima facie case is made out under Section 3(2)(va) of the Atrocities Act and, therefore, the bar under Sections 18 and 18A of the Atrocities Act would apply. Accordingly, he submits that the appeal deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the case diary.

6. A perusal of the contents of the FIR reveals that the appellants herein addressed the complainant by his surname, ‘Kanwar’. Merely using a person's surname would not, by itself, amount to abuse by referring to the person's caste. Thus, a prima facie case is made out in favour of the appellants. As submitted by learned counsel for the appellants, the other offences under the BNS are bailable. Although the complainant appeared and opposed the appeal, having regard to the allegations levelled against the appellants and the facts discussed above, I am inclined to allow the appeal. Accordingly, the order dated 20.8.2026 passed by the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Rajnandgaon, District Rajnandgaon (C.G.), in Bail Application No. 402/2026, is hereby set aside.

7. It is directed that in the event of the appellants executing a personal bond for a sum of Rs.50,000/- each with one surety in the like sum to the satisfaction of the arresting officer subject to the following conditions :-

> (a) 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 fact to the Court.
>
> (b) They shall not act in any manner which will be prejudicial to fair and expeditious trial.
>
> (c) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) The Appellants and the surety shall submit a copy of their aadhar card alongwith a colored postcard full size photo having printed the aadhar number on it, which shall be verified by the trial Court.

(e) They shall not involve themselves in any offence of similar nature in future.

Sd/-

Rakesh Mohan Pandey
JUDGE

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