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CGHC010349052026 2026:CGHC:44427

**NAFR**

# HIGH COURT OF CHHATTISGARH AT BILASPUR

**CRA No. 2261 of 2026**

**1 -** Arvind Yadav S/o Rajdev Aged About 22 Years R/o Village- Durti, Police Station Pratappur, District- Surajpur (C.G.)

**2 -** Ballu Yadav S/o Rambhajan Yadav Aged About 24 Years R/o Village- Durti, Police Station Pratappur, District- Surajpur (C.G.)

**3 -** Devkumar @ Golu Yadav S/o Manohar Yadav Aged About 23 Years R/o Village- Durti, Police Station Pratappur, District- Surajpur (C.G.)

**... Petitioner(s)**

**versus**

**1 -** State Of Chhattisgarh Through The Station House Officer, Police Station Pratappur, District- Surajpur (C.G.)

**... Respondent(s)**

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| **For Appellant/s** | **:** | Mr. D.N. Prajapati, Advocate |
| **For Respondent/State** | **:** | Mr. Akash Agrawal, P.L. |

**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 22.08.2026 passed by the Learned Special Judge

(Atrocities Act), Surajpur, District Surajpur (C.G.) and for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No. 228/2026, registered at Police Station- Pratappur, District Surajpur (C.G.) for the offence punishable under Sections 296, 351(2), 115(2) & 3(5) of BNS and Sections 3(1)(r)(s) & 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 14.8.2026, the complainant, Subhash Dewangan, lodged an FIR stating that on 9.8.2026, at about 9:00 p.m., the appellants herein, while in an intoxicated condition, assaulted him 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 appellants are innocent and have been falsely implicated in the case. He would further submit that the appellants did not abuse the complainant by referring to his caste. He would contend that an altercation took place between the appellants and the complainant and that the appellants never abused the complainant. 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 intentionally abused the complainant by referring to his caste, which is evident from a bare perusal of the contents of the FIR. He would further contend that appellant No.3, Devkumar @ Golu Yadav, has five criminal

antecedents. 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 makes it clear that an altercation took place between the appellants and the complainant, Subhash Dewangan. The FIR further reveals that the appellants abused Mahesh Dewangan, who does not belong to a Scheduled Tribe. It is alleged that the complainant intervened in the altercation and was also abused by the appellants.

**7.** Having considered the allegations made in the FIR, I am of the prima facie view that no case is made out against appellants No.1 and 2. Accordingly, the appeal preferred by appellants No.1 and 2 is allowed, and the order dated 22.8.2026 passed by the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Surajpur, District Surajpur (C.G.), in Bail Application No.446/2026, is hereby set aside. However, considering the four criminal antecedents of appellant No.3, Devkumar @ Golu Yadav, I am not inclined to extend the benefit of anticipatory bail to him. Accordingly, bail application of appellant No.3, Devkumar @ Golu Yadav is hereby rejected.

**8.** It is directed that in the event of appellants No.1 & 2 – Arvind Yadav and Ballu Yadav 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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