CGHC010355742026 2026:CGHC:43401

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2283 of 2026

1 - Vivekanand Jha S/o Shri Rambaran Jha, Aged About 41 Years R/o. Village Kunkuri, Tehsil -Kunkuri, District Jashpur (C.G.).

... Appellant

versus

1 - State Of Chhattisgarh Through Police Station Kunkuri, District Jashpur (C.G.)

... Respondent

For Appellant	:	Mr. Manoj Paranjpe, Senior Advocate with Mr. Kabeer Kalwani, Advocate
For Respondent /State	:	Mr. Keshav Gupta, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment on Board

07/10/2026

1. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the SC/ST Act") for

setting aside order dated 25/08/2026 passed by the Special Judge SC/ST Act (Atrocities), Jashpur (C.G.) and for granting anticipatory bail to the present appellant under Section 483 of BNSS in connection with Crime No. 157/2026 registered at Police Station Kunkuri, District Jashpur (C.G.) for commission of offence punishable under Sections 79 and 296 of Bharatiya Nyaya Sanhita, 2023 (in short, “BNS”) and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, “the Act of 1989”).

2. Case of the prosecution, in brief, is that on 23/08/2026, FIR was lodged by the complainant, who is a resident of Lambitoli, Kunkuri and is a member of a political party’s IT Cell, State Office alleging that on 22/08/2026, at about 8 PM, one Mr. Rajiv Garg uploaded a political post on his facebook account upon which the present appellant made a certain derogatory comment against the complainant with the intention of tarnishing her reputation knowing fully well that the complainant belongs to a Scheduled Tribe community. On the basis of the said report, police registered the aforesaid offence against the appellant.

3. Mr. Manoj Paranjpe, learned Senior counsel appearing for the appellant, would submit that the present appellant is innocent and has falsely been implicated in the offence in question. He would further submit that the police have registered offence punishable under Section 3(2)(v) of the Act of 1989 along with Sections 79 and 296 of the BNS, however, since the substantive offences are

not punishable with imprisonment for a term of ten years or more, the ingredients of Section 3(2)(v) of the Act of 1989 are not attracted. He would further submit that the allegations levelled against the appellant are false and that, except for the offence punishable under Section 3(2)(v) of the Act of 1989, the offences under Sections 79 and 296 of the BNS are bailable in nature. Thus, he would pray for grant of anticipatory bail to the appellant.

4. On the other hand, Mr. Keshav Gupta, learned counsel appearing for the non-applicant/State, opposes the criminal appeal and the submission made by learned counsel for the appellant. He would submit that the appellant made the derogatory comment with the intention of tarnishing the image of the complainant knowing fully well that she belonged to Scheduled Tribe community. He would also contend that as the allegations levelled against the appellant are serious in nature, therefore, this appeal deserves to be dismissed.

5. I have heard learned counsel for the parties, perused the case diary and went through the material available on record.

6. Section 79 of the BNS deals with word, gesture or act intended to insult the modesty of a woman and the maximum punishment provided in this section is imprisonment of either description for a term which may extend to three years, and also fine. Similarly, Section 296 of BNS, which has also been registered against the appellant, deals with obscene acts and songs and it shall be punished with imprisonment of either description for a term which

may extend to three months or with fine which may extend to Rs. 1,000/- or with both.

7. Section 3(2)(v) of the Act of 1989 provides that where a person who is not a member of a Scheduled Caste/Scheduled Tribe community, commits an offence punishable with imprisonment for ten years or more against a person or property, knowing that such person or property belongs to Scheduled Castes/Scheduled Tribes, the offender may be punished with imprisonment for life and fine.

8. In the present case, since the appellant herein has not committed any offence which is punishable with imprisonment of ten years or more, as is apparent from a bare perusal of the FIR, the provisions contained under Section 3(2)(v) of the Act of 1989 would not attract.

9. Thus, having considered the facts of the case as well as the above-stated legal position, the order dated 25/08/2026 passed by the Special Judge SC/ST Act (Atrocities), Jashpur (C.G.) rejecting the application filed by the appellant under Section 482 of BNSS is hereby set aside.

10. Accordingly, the instant appeal is **allowed** and it is directed that in the event of arrest of the appellant – **Vivekanand Jha**, on executing a personal bond with one local surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-

(a) He 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 him from disclosing such fact to the Court.

(b) He shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) He shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

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

(e) He shall not involve himself in any offence of similar nature in future.

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Harneet