CGHC010366912026 2026:CGHC:45548

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2397 of 2026

Tarikh Anwar @ Monu Khan S/o Mohammed Kasim Aged About 28 Years R/o Ward No. 02, Block Colony Tehsil Gharghoda, District Raigarh C. G.

... Appellant

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versus

State Of Chhattisgarh Through Officer In Charge Police Station Gharghoda District Raigarh C.G. **... Respondent**

For Appellant	:	Shri Ashutosh Mishra, Advocate.
For Respondent/State	:	Shri Jitendra Shrivastava, Government Advocate.
For Objector/Complainant	:	Shri Rajendra Tripathi, Advocate.

(HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY)

Order on Board

28/10/2026

1. The instant criminal appeal filed by the appellant under Section 14-A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, the Act, 1989) is for grant of regular bail to him, who has been arrested in connection with Crime No.49/2026 registered at Police Station – Gharghoda, District Raigarh (C.G.), for the offence punishable under Section 296, 351(3), 115(2) of the Bhartiya Nyay Samhita, 2023 (for short, the BNS) and Section 3(1)(r)(s) of the Act, 1989.
2. Case of the prosecution is that the complainant lodged a complaint to the effect that on 14.02.2026 while the complainant was going to drop

his labourers to Jampali, the present applicant came there from his vehicle and began to blare the horn loudly and subsequently abused him and assaulted him by hands and fists. It is alleged that the present applicant abused him in the name of caste of the complainant, who belongs to Scheduled Caste community. On such complaint offence punishable under the aforesaid sections against the appellant.

3. By order dated 10.09.2026 passed by the learned Special Judge in Special Criminal Case (under Atrocities Act) No.3307/2026, the bail application filed by the appellant has been rejected against which the appellant has filed the said appeal.

4. Learned counsel for the appellant would argue that initially bailable offences under B.N.S. were registered against the present appellant but after 6 months, on 12.08.2026, when charge-sheet was filed, section 3(1)(r)(s) of the Act, 1989 were added. He would contend that in F.I.R. there is no whisper with regard to abusing in filthy language in the name of caste. He would further contend that in the present case, charge-sheet has already been filed; appellant is in jail since 03.09.2026; appellant has only two live criminal antecedents and that, trial may take time for its conclusion, therefore, he would pray that the instant appeal may be allowed and the appellant may be enlarged on bail.

5. On the other hand, learned counsel for the State and Objector would oppose the bail. They would submit that present appellant abused the complainant in the name of his caste knowing very well that he belongs to Scheduled Caste community. It is also contended that the appellant has total 6 criminal antecedents and two criminal cases are pending consideration before the competent criminal Court, therefore, this

appeal for grant of bail deserve to be rejected.

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

7. Perusal of F.I.R. would reveal that present appellant abused the complainant in the name of his caste and assaulted him. F.I.R. would further show that initially bailable offences punishable under Sections 115(2), 296 and 351(3) of BNS were registered but at the time of filing of charge-sheet, Section 3(1)(r)(s) of the Act of 1989 was added. It is admitted position that charge-sheet has already been filed; appellant is in jail since 03.09.2026; there are total 6 criminal antecedents, out of which, two cases are of preventive measure, three cases under IPC were registered way back in the year 2022 and one case is of 2025. In one case registered under the provisions of IPC, the appellant has already been acquitted; at present, two cases are pending consideration before the competent criminal court and further trial may take time for its conclusion.

8. Having considered the above discussed facts, I am inclined to grant bail to the appellant. Accordingly, the instant appeal is **allowed.**

9. It is directed that the appellant shall be released on bail on his furnishing a **personal bond** in sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) 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;

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &

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

10. The observation made herein above is for the purpose of deciding this appeal for grant of bail only and the trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Anjani