

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 610 of 2023**

- Kamal Prakash Chandra S/o Late Awadh Bihari, Aged About 55 Years R/o Village Malni, Police Station And Tahsil Jaijaipur, District : Sakti, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Jaijaipur, District : Sakti, Chhattisgarh

---- Respondent

For Appellant

Mr. Ishwar Jaiswal, Advocate

For Respondent /State

Ms. Hamida Siddique, Dy. AG and Mr.

Sushil Sahu, Panel Lawyer

For Objector

Mr. Chandrasen Chouhan, Advocate

SB.: Hon'ble Mr. Justice Deepak Kumar Tiwari**Order On Board****28/4/2023**

1. Heard.
2. The appellant has preferred this appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the S.C./S.T. Act"), for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.36/2023 registered at Police Station – Jaijaipur, District Sakti (CG) for the offence under Sections 294 of the IPC and Section 3(1)(द)(घ) of the S.C./S.T. Act.
3. Prosecution case, in brief, is that complainant Vijay Kumar Chouhan lodged a written complaint before Police Station – Jaijaipur, District Sakti stating that he is a *Tabla Wadak* in *Ramayan Mandli* of Village Malni. His *Ramayan Mandli* was invited along with others in the competition of Navdha Ramayan Malni, which was held at village Malni, Bazar Chowk, Sakti. On the said invitation, his *Ramayan Mandli* took part in such competition and on



24.1.2023, their *Mandli* was selected. However, when it came to the notice of the present appellant that the complainant belongs to Scheduled Caste Category, he made a call to Laxmi Kanwar, who is a Singer, in her mobile phone and at that time, Laxmi Kanwar was sitting along the *Ramayan Mandli* of the complainant. During the course of conversation, the speaker was on and the present appellant abused and made caste based remarks against the complainant stating that the complainant, by participating in the said program, has shown disregard to their religion. Hence, the aforesaid offence has been registered.

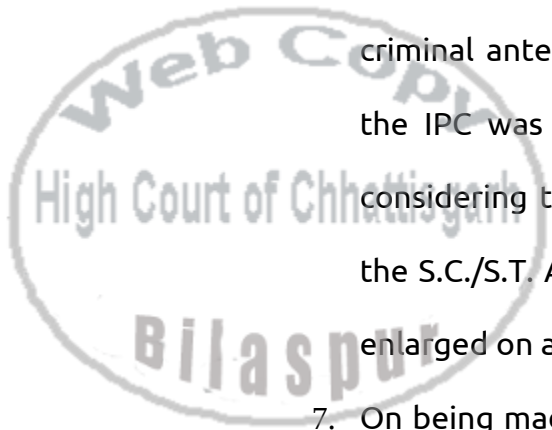
4. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the case. He submits that the invitation was sent to the *Ramayan Mandli* of the complainant and the appellant had no intention to disrepute any caste. He and his group have always promoted the merit of every artist and singer by inviting them to participate in *Navdha Ramayan* Programme. Hence, for a pious purpose, an invitation was sent to the complainant's *Mandli*, but when the result was announced and in the competition, singer Laxmi Kanwar, Korba was not selected, a dispute occurred, which has been given a colour of caste based atrocity. He further submits that the FIR has been lodged belatedly. Even as per the allegations levelled, the present appellant conversed with Laxmi Kanwar personally on her mobile phone and he had no intention to defame or disrepute any caste or person in a public view. He would also submit that the present appellant is a reputed person of Village Malni. He held the post of Sarpanch from the years 1994, 1995 and 2000 and further held the posts of the Vice President, Janpad Panchayat from 2001 to 2003 and the President, Janpad Panchayat from 2003 to 2005 and again elected in the by-election held in the year 2017-18 as a Sarpanch, therefore, on account of a political rivalry, this false case has been registered against him. He would further submit that the present appellant is a public figure and he





used to attend several functions organised by different caste members of the Society. He submits that the appellant had never acted in any manner, which may lower down the dignity of any person on the basis of his caste. Hence, the appellant may be granted anticipatory bail.

5. Per contra, learned counsel for the State as well as learned counsel for the Objector oppose the prayer for bail.
6. Learned for the objector would submit that the instant proclamation has been issued by the Superintendent of Police, Sakti and an award of Rs.5000/- has been declared with regard to arrest of the present appellant. On 26.3.2023, a representation has been made by the concerned Caste Society before Police Station Jaijapur for immediate arrest of the present appellant. He would further submit that against the present appellant, one criminal antecedent of the year 2012 under Sections 294, 506, 323/34 of the IPC was registered at Police Station - Jaijapur. He submits that considering the act of the present appellant, the bar under Section 18 of the S.C./S.T. Act attracts in this case, therefore, the appellant may not be enlarged on anticipatory bail.
7. On being made asked, learned Dy. AG for the State would submit that no procedure has been adopted under Sections 82 and 83 of the Cr.P.C. for ensuring the presence of the present appellant by issuing proclamation for person absconding or attachment of his property. She fairly submits that as per the Police Regulation Rule 80, the said award has been declared by the concerned Superintendent of Police.
8. Having considered the submissions of learned counsel for the parties, particularly considering the nature of accusation and that the FIR has been lodged belatedly and further considering the fact that during a private telephonic conversation between the complainant and Laxmi Kanwar, such incident occurred and also considering the defence taken by the present appellant that he is a political figure and after declaration of the result,





such dispute occurred, and therefore, considering all the aspects of the matter, I am of the view that the bar under Section 18 would not attract in the present case and the appellant is entitled to be released on anticipatory bail.

9. Accordingly, the appeal is allowed and it is directed that in the event of arrest of the appellant, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer on the following conditions:-

(a) he shall make himself available for interrogation by the concerned police officer as and when so required,

(b) 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 or to any police officer,

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

(d) after filing of the charge sheet, he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,

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



10. Certified copy as per rules.

Sd/-

(Deepak Kumar Tiwari)
Judge

Shyna