

The High Court Of Madhya Pradesh

CRA-4483-2020

(RAGHAV KUMAR SINGH AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Jabalpur, Dated : 27-11-2020

Heard through Video Conferencing.

Shri Naveen Kumar Singh, learned counsel for the appellants.

Shri Bhasker Pandey, learned Panel Lawyer for the respondent No.1/State.

None for the respondent No.2.

Heard.

This appeal is filed under Section 14-A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereafter referred to as "SC/ST Act") being aggrieved by the order dated 14.08.2020 passed by the Special Judge (Atrocities), Anuppur in Bail Application No.185/2020, whereby the learned Special Judge dismissed the pre-arrest application filed by the appellants under Section 438 of the Cr.P.C in connection with Crime No.267/2020.

The appellants are apprehending their arrest in connection with Crime No.267/2020 registered at Police Station-Bhalmuda Nagar District-Anuppur for offences punishable under Sections 452, 294, 323, 506 read with Section 34 of the IPC and Sections 3(1)(da), 3(1)(dha) read with Section 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per prosecution's case, on 03.08.2020, on the basis of a previous dispute, all the appellants entered in the house of injured and started hurling abuses, pertaining to the caste of the victim, who belongs to the Schedule Tribe and started beating her. On hearing the noise, husband and son of injured came at the spot. All the appellants hurled filthy words to them also. When one Arif Khan came to rescue the injured, the appellants beaten him also. Thereafter, FIR has been lodged and above-mentioned offences were registered against the appellants.

Learned counsel for the appellants submits that the appellants have

falsely been implicated in the case. He submits that place of incidence is the room of the victim and not a public place of a public view. One Dinesh Pandey, who is working in the police department, is the near relative of injured Akhilesh Pandey, who lodged a false report against the appellants. Initially the appellants lodged a report, thereafter, the victim falsely implicated all the appellants by lodging a false report. No offence under any Section of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellants, therefore, no bar under Sections 18 or 18-A of the SC/ST Act comes in the way for granting the anticipatory bail to the appellants. In such circumstances, it is prayed that the appellants be granted benefit of anticipatory bail.

On the other hand, learned Panel Lawyer for the respondent/State has vehemently opposed the prayer and submits that the appellants uttered filthy and derogatory words to the victim, pertaining to her caste, who was particularly of Scheduled Tribe. *Prima facie* offence punishable under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out against the appellants, therefore, it is prayed to dismiss this application.

Having heard the learned counsel for the parties and perused the impugned order, no doubt, derogatory and filthy words were uttered by the appellants in the room of the victim, where she was alone. On a perusal of the statement of other witnesses, no doubt, it is *prima facie* reflected that this place does not come under the place of public view, therefore, no bar under Section 18 or 18-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act comes in the way for grant of anticipatory bail to the appellants.

On considering other facts of the case, it is apparent that all the appellants got entered into the house of the victim for beating her. No doubt, act of the appellants is grave. It is also reflected from a perusal of the impugned order that the appellant Akhilesh Singh is a habitual criminal

offender. So many criminal cases have been registered against him in police station Bhalumada Nagar. In the above circumstances, this Court is not inclined to extend the benefit of anticipatory bail to the appellants.

Consequently, this first criminal appeal under Section 14-A of the Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, filed by appellants Raghav Kumar Singh and others, is hereby **dismissed**.

(VISHNU PRATAP SINGH CHAUHAN)
JUDGE

kundan

