

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 246 of 2023

- Manharan Singh Rajvansh S/o Mahesh Singh Aged About 42 Years R/o Village Chourasi Mudalafa, P.S. Pali, District Korba (C.G.).
---- Appellant

Versus

- State of Chhattisgarh, Through P.S. AJK Baikunthpur, District - Koriya (C.G.).
---- Respondent

with

CRA No. 320 of 2023

- Satyaprakash Sahu S/o Biharilal Sahu Aged About 29 Years R/o Village Anga, P.S. Patna, District Korba, Chhattisgarh.

---- Appellant

Versus

- State of Chhattisgarh Through P.S. Ajak, District Koriya, Chhattisgarh.
---- Respondent

With

CRA No. 343 of 2023

- Shanti Rajwade D/o Ramlal Aged About 24 Years R/o Ward No. 03, Vivekanand Colony, Charcha, Thana Charcha, Tahsil Baikunthpur, District Koriya Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baikunthpur, District Koriya Chhattisgarh.

---- Respondent

For Appellants : Shri T. K. Jha, Advocate

For Respondent/State : Shri Devesh Verma, Government
Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

31.03.2023

1. Since these three criminal appeals are arising out of same crime number, therefore, they are being heard together and decided finally by this common order.
2. The instant criminal appeals are preferred under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short, 'SC/ST Act') against orders dated 19.01.2023 & 23.01.2023, passed by the Special Judge (SC/ST Act), Koriya, Baikunthpur, Chhattisgarh, in Crime No.01/2023, registered under Sections 419,420, 467, 468, 471, 472, 474, 409, 120B of the IPC and Section 3(2)(v) & 3(2)(v-a) of the SC/ST Act, whereby the bail applications filed under Section 438 of the Cr.P.C. have been rejected.
3. In CRA/246/2023, on 16.02.2023, the complainant appeared before this Court through video conferencing mode from DLSA, Koriya and objection was raised in grant of bail to the appellant. On 24.02.2023, in CRA/320/2023, the complainant appeared from concerned DLSA and there was 'no objection' in grant of bail to the appellant. In CRA/343/2023, serious objection was made by the complainant, recorded on 24.02.2023.
4. Case of the prosecution, in brief, is that the complainant-Anadi Singh lodged a report in the Police Station- AJK, Baikunthpur to the effect that Rs. 20 lacs was sanctioned under National Horticulture Scheme in favour of the complainant for construction of community pond which was being developed under the vigil of Horticulture Officers. It is alleged that first installment of Rs. 10 lacs was transferred in

the Bank account of the appellant maintained with Cooperative Bank, thereafter, the officials of Horticulture Department informed the complainant that they are unable to deposit second installment of Rs. 10 lacs in the Co-operative Bank and new bank account in any larger bank of the Baikunthpur is required, thereafter, co-accused Anchal Rajwade and Abhay Gupta, took the complainant to Axis Bank for opening of new bank account, but account was not opened. Thereafter, the appellant Shanti Rajwade and co-accused Abhay Gupta obtained his Aadhaar Card and other documents and got his signature on a cheque in the name of office & bank use. When the complainant did not receive the ATM card & cheque book, he inquired about the same, and came to know that instead of Baikunthpur, his new bank account has been opened in Surajpur, where Rs. 10 lacs has already been deposited by the Horticulture Department, and for its withdrawal, one cheque containing his signature has been deposited by some persons, thereafter, he made complaint before Branch Manager of the concerned bank for holding the bank account. Thereafter, FIR was registered against the appellants for the offence as stated above.

5. Learned counsel for the appellants would submit that the appellants have not committed any offence, they have falsely been implicated in this case. He would further submit that the amount, if any, deposited in the Axis Bank, was never withdrawn by any of the appellants and the amount in question is still lying with the bank, therefore, offence under Section 3(2)(v) of the SC/ST Act would not apply in the present case. Thus, orders passed by the learned court below may be set-aside and the appellants may be enlarged on anticipatory bail.
6. Learned counsel for the State would oppose the above prayer.

7. I have heard learned counsel for the parties and perused the case diary.
8. Considering the fact that the appellants are not involved in the commission of offence, and according to the enquiry report Abhay Gupta and Anchal Rajwade are involved in the commission of offence, and the present appellants have not attributed any role in commission of the offence, therefore, bar given under Section 18 of the SC/ST Act would not attract in the present case.
9. Considering the facts stated above, I am inclined to allow these criminal appeals, accordingly, orders dated 19.01.2023 and 30.01.2023 passed by the learned Special Judge, Baikunthpur, are hereby set-aside.
10. It is directed that in the event of each of the appellants executing a personal bond for a sum of **Rs.50,000/-** with one surety in the like sum to the satisfaction of the concerned arresting officer, they shall be released on anticipatory bail on following conditions:-
 - (a) they shall make themselves available for interrogation by the Police Officer as and when required;
 - (b) 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 him from disclosing such fact to the Court; and
 - (c) they shall not act in any manner which will be prejudicial to fair and expeditious trial.

The observation made hereinabove is for the purpose of deciding these criminal appeals only, learned trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)
Judge