

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1789 of 2023**

1. Karan Khunte, S/o Rajkumar Khunte, aged about 27 years
2. Arjun kHunte, S/o Rajkumar Khunte, aged about 25 yeas.

Both are residents of Village Chisda, District Janjgir-Champa,
Chhattisgarh

---- Appellants

Versus

- State Of Chhattisgarh Through S H O P/s Hasod, District-
Janjgir-Champa, Chhattisgarh

---- Respondent

For Appellants	:	Mr. Brajendra Singh, Advocate
For State	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****21/12/2023**

1. This criminal appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (henceforth 'the Act of 1989') has been preferred against the order dated 04.09.2023 by which learned Special Judge, (Atrocities), Janjgir-Champa, Chhattisgarh rejected application of appellants for grant of anticipatory bail in connection with Crime No.37/2022 registered at Police Station Hasod, District- Janjgir-Champa, Chhattisgarh for commission of offence punishable under Sections 450, 302, 307 and Section 436 r/w 34 of the Indian Penal Code (IPC) and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 (for brevity 'the Act of 1989').
2. Case of prosecution, in brief, is that in the night intervening 5th & 6th October, 2021 some persons have connected the gas cylinder with pipe, placed it in the room of Gorelal and Krishna

Kurre, who were sleeping along with their children in the room, and set it on fire, due to which there was a blast in the room and all the persons inside the room suffered burn injuries. During course of treatment, Gorelal Kurre, husband of Krishna Kurre, died. Incident was reported to the concerned police-station and based on which, aforementioned crime was registered against four persons namely Samaru, Dasandu and present applicants. Samaru and Dasandu were arrested immediately thereafter, however, present appellants have been shown to be absconding.

3. Learned counsel for appellants submits that appellants have not committed any offence as alleged. The Court below rejected application taking note of provision Section 18 of the Act, 1989. He submits that the provision of Section 18 of the Act, 1989 would not be attracted against applicants because the applicants also belong to Scheduled Caste community. On merits, it is contention of counsel for appellants that there is no material to connect the appellants with crime in question. Only on the basis of suspicion name of the applicants are mentioned in FIR. Appellants had gone to earn their livelihood and when they returned back to village, they came to know that some offence is registered against them and only thereafter they have filed application under Section 438 of CrPC.
4. Learned State counsel opposing submissions made by counsel for appellants, submits that at the time of incident Krishna Kurre has seen Samaru and Dasandu inside her house and immediately thereafter there was a blast. Samaru and Dasandu were arrested immediately after lodging of report and in their memorandum statement both the co-accused persons have named present appellants as the persons involved in commission of aforementioned crime. Appellants were absconding from the date of incident. In the statement of witness Krishna Kurre, it has come that in the intervening night

i.e. 5.10.2021, the appellants along with other co-accused persons have cooked food in the house, which shows the presence of appellants at the time of the incident in the said village.

5. I have heard learned counsel for both the parties.
6. Taking into consideration the nature of allegations, statement of Krishna Kurre as also material available in the case diary, I am of the view that the provision of Section 18 of the Act would not attract as the appellants also belongs to the Scheduled Caste Community, however, on merits, I do not find present to be a fit case to allow bail application of appellants.
7. Accordingly, the appeal is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Nisha