



2026:CGHC:16362

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 382 of 2026

1 - Ramsahai S/o Shri Harinarayan Gupta Aged About 25 Years R/o Gram Saagobandh (Belhratola), Thana Babhani, District Sonbhadra (U.P.)

2 - Ramdulare Gupta S/o Shri Harinarayan Gupta Aged About 22 Years R/o Gram Saagobandh (Belhratola), Thana Babhani, District Sonbhadra (U.P.)

... Applicants

versus

State of Chhattisgarh through District Magistrate, Balrampur-Ramanujganj (C.G.)

... Respondent

For the appellants : Ms. Hamida Siddiqui, Advocate

For the State : Mr. Akhilesh Kumar, Government Advocate

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

09/04/2026

1. Apprehending arrest in Crime No. 46/2025 registered at P.S. Sanawal, District Balrampur (C.G) for the offence punishable under Sections 115(2), 296, 351(2), 109(1), 190, 191(2), 191(3) of BNS and Sections 3(1)(r),(s),(g),

3(2-5) of the SC/ST (Prevention of Atrocities) Act, 1989, the appellants have filed this appeal under Section 14-A(2) of the Act, 1989 for grant of anticipatory bail.

2. By the impugned order dated 20.01.2026 passed by the learned Special Judge, (SC/ST (POA) Act, Balrampur, the application of applicant for grant of anticipatory bail has been rejected, which is also under challenge in this appeal.

3. The prosecution case, in brief, is that complainant Ramsai Gond filed a report to the effect that on 11.8.2025 at about 09.00 am, when he was ploughing his field, accused Nanddev Gupta, Lalan Gupta, Buchun Gupta, and other other people came armed with sticks, Lathi, Tangi and restrained the complainant party from cultivating the land and hurled abuses and assaulted him saying that the field belongs to them and also further threatened to kill him. On the said report, the police registered the crime.

4. Learned counsel for the appellants submits that initially names of these two appellants are not named in the FIR lodged by Ramsai Gond, but two months later the present applicants were made accused as their names were mentioned in the statements of witnesses Shankar, Vidhya Sagar and Vijay. She next submits that neither any specific allegation was made against these applicants showing their participation in the incident nor any seizure was shown to be made from them. She further submits that the charge sheet has been filed against 22 accused persons and these appellants have not participated in the incident, therefore, they may be enlarged on anticipatory bail.

5. Per contra, learned State Counsel opposes the prayer for grant of bail and supports the order of the trial Court. He submits that the bar created

under Section 18 and 18A of the Act strictly applies, prohibiting the grant of anticipatory bail.

6. The victim is not connected to VC from the concerned DLSA despite service of notice, therefore, their opinion could not be recorded.

7. I have heard learned counsel appearing for the parties and perused the documents available on record.

8. It is to be noted that the bar so provided in Section 18 of the Act was considered by the Supreme Court in ***Dr. Subhash Kashinath Mahajan v. State of Maharashtra reported in (2018) 6 SCC 454*** wherein it was held that there is no absolute bar against grant of anticipatory bail if the person is able to show prima facie case that he has not committed any atrocity and the allegations have been made malafidely. The said judgment was further reiterated by the Supreme Court in ***Prithvi Raj Chauhan vs. Union of India and others (2020) 4 SCC 727*** wherein it has been held at para 32, which reads as under :

“32. As far as the provision of Section 18-A and anticipatory bail is concerned, the judgment of Mishra, J has stated that in cases where no prima facie materials exist warranting arrest in a complaint, the court has the inherent power to direct a pre-arrest bail.”

9. Applying the above position of law to the facts of the present case, if the contents of the FIR are examined, prima facie, it appears that it does not speak out the names of these appellants as accused nor it discloses any of their specific role in the incident, therefore, the appellants are able to show that they have not committed any atrocity and the bar created under section 18 of the Act would not be attracted in this case.

10. Having thus considered the facts and circumstances of the case in the light of the law laid down by the Supreme Court in the above referred cases,

I am of the opinion that it is a fit case where the appellants can be granted anticipatory bail.

11. Accordingly, this appeal is allowed and the impugned order dated 20.01.2026 passed by the Trial Court is set aside.

12. It is directed that in the event of arrest of the appellants in connection with Crime No. 46/2025 registered at P.S. Sanwal for the aforesaid offences, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The appellants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that 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/her from disclosing such facts to the Court or any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Rao