

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl)... 2013

CRLMP.NO(s). 8120

(From the judgment and order dated 07/08/2012 in SBCRM No. 762/2012 of The HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR)

BHIKA RAM

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

(For permission to file SLP and office report)

Date: 23/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK

HON'BLE MR. JUSTICE A.K SIKRI

For Petitioner(s)

Mr. H.D. Thanvi, Adv.

Ms. Preeti Thanvi, Adv.

Mr. Sarad Kumar Singhania, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Permission to file the Special Leave Petition is granted.

Heard learned counsel for the petitioner.

The Special Leave Petition is directed against the impugned order of the High Court granting anticipatory bail to respondent No. 2.

The main contention raised by the learned counsel for the petitioner is that the petitioner is a member of the Scheduled Tribe and that the

FIR disclosed an offence under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and, therefore, anticipatory bail should not have been granted to the respondent.

We, however, find that in the First Information report, the offence under Section 18 of the aforesaid Act has not been mentioned. Hence, we are not inclined to interfere with the order passed by the High court granting anticipatory bail to respondent No. 2.

It is, however, be open for the petitioner to move the appropriate Court for incorporating the offence under Section 18 of the aforesaid Act for the purpose of investigation and for any further proceedings against respondent No. 2. We make it clear that we have not expressed any opinion as to whether or not Section 18 of the Act should be added in this case and as and when the petitioner makes this request, the same may be dealt with by the appropriate Court in accordance with law.

The Special Leave Petition is disposed of with the above observations.

[KALYANI GUPTA]

COURT MASTER

|| [SHARDA KAPOOR]

|| COURT MASTER