



2026:CGHC:8324

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 233 of 2026**

**1** - Ramphal Sharma S/o Late Cholaram Sharma, Aged About 80 Years R/o Goutiyapara Jhalmala, P.S. Mulmula District Janjgir Champa C.G.

**2** - Ishwar Prasad Sharma S/o Late Cholaram Sharma, Aged About 66 Years R/o Near Hanuman Mandir, Village Jhalmala, P.S. Mulmula District Janjgir Champa C.G.

**3** - Vikas Sharma S/o Ishwar Prasad Sharma, Aged About 38 Years R/o Near Hanuman Mandir, Village Jhalmala, P.S. Mulmula District Janjgir Champa C.G.

**... Appellants****versus**

**1** - State Of Chhattisgarh Through District Magistrate District Janjgir Champa C.G. P.S. Mulmula District Janjgir Champa C.G.

**... Respondent**

---

For Appellants : Mr. Rajesh Jain, Advocate.  
For State : Ms. Richa Pandey, P.L.

---

**Hon'ble Shri Justice Sanjay Kumar Jaiswal****Order on Board****16/02/2026**

1. This appeal has been filed by the accused/appellants under Section 14-A(2) of the Scheduled Casts and Scheduled



Tribes (Prevention of Atrocities) Act 1989 r/w Section 482 of BNSS for grant of anticipatory bail, against the order dated 12.01.2026 passed by learned Special Judge SC & ST (Prevention of Atrocities) Act, Janjgir-Champa (C.G.) in Bail Application No. 22/2026 whereby the bail application filed by the appellants under Section 482 of the B.N.S.S., 2023 has been rejected.

2. The appellants are apprehending their arrest in connection with Crime No.227/2025, registered at Police Station – Mulmula, District-Janjgir-Champa (C.G.) for the offence punishable under Sections 115(2), 296, 351(3), 3(5), 74 & 331(2) of BNS, 2023 and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act 1989').
3. The facts of the case, in brief, are that on 03.08.2025, complainant Sadhram was doing his work in his field at Khasra No. 855/2, at that time, the appellants came there and saying that this is my field, don't do your work at this field, Ramphal Sharma abused him with filthy language and threaten to kill him and assaulted him by stick. It is alleged against Ishwar Sharma & Vikash Sharma that they also abused the complainant and threaten for his life. The said incident was witnessed by Tikaram Tandan and Satish Banjare, who tried to intervene in the matter. Based on this offence has been registered against the present appellants.
4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in the instant case, due to a land dispute. There is no caste-based allegation in the FIR against the appellants; therefore, the provision of atrocities act is not attracted against the present appellants. On 04.07.2024, the appellant's party had already filed a complaint before the



police with regard to the land dispute with the complainant party, which has been registered under Section 174 of BNSS (Annexure- A-3). He further submits that on the said alleged incident date i.e. 03.08.2025, the appellant's party has also made a complaint, but no action was taken thereon. According to the report submitted by Revenue Inspector Nariyar to the Naib Tehsildar, Akaltara, the complainant is in unauthorised possession of the disputed land. According to Ex. A-6, the appellant's party have submitted an application for possession. In a letter dated 29.11.2025, written by the Sub-Divisional Officer of Police, Akaltara, District Janjgir Champa, to the Sarpanch of Gram Panchayat, Jhalmala, it is mentioned that the complainant, Sadharam Diwakar, currently does not have any land-related documents available, which is causing difficulties in obtaining a caste certificate. He also submits that the essential ingredients of the alleged offences are not attracted against the present appellants. As regards non-applicability of bar u/s 18 of the Special Act, he placed reliance on catena of decisions of the Supreme Court rendered in **Shajan Skaria vs. State of Kerala and another**, 2024 SCC Online Sc 2249; **Prathvi Raj Chauhan vs. Union of India and others**, (2020) 4 SCC 727; **Bharat Bhooshan Agrawal vs. State of Kerala**, (2022) 19 SCC 401; **Shubhasgh Kashinath Mahajan vs. State of Maharashtra**, (2018) 6 SCC 454 and submits that if the FIR does not disclose caste line allegation, the bar on anticipatory bail under Section 18 is not attracted.

5. On the other hand, learned counsel for the state opposes the anticipatory bail application of the appellants and submits that the application is liable to be dismissed.
6. No one appeared on behalf of the victim, though notice has



been served.

7. I have heard learned counsel for the parties and perused the record.
8. The Co-ordinate Bench of this Court, in the matter of **Pavas Sharma Vs. State of Chhattisgarh and another (CRA No. 806/2020, order dated 22.01.2021)**, has elaborately dealt with the issue pertaining to offence under the Act, 1989 and finds that merely because offence under Section 3(2)(V)(a) of the Act, 1989 was registered against the applicant, learned court below rejected the application holding it to be not maintainable in view of the provisions contained under Section 18 of the Act of 1989, without taking into consideration the law laid down by the Supreme Court in the case of **Prathvi Raj Chauhan Vs. Union of India and Others**<sup>1</sup>. Even though, offence under the Act of 1989 is registered, where application for grant of anticipatory bail is filed, the Court is required to apply its mind to the relevant provisions of law and considerations as specified by the Supreme Court in the case of **Prathvi** (supra) and if material on record leads to satisfaction that the complaint does not make out a prima facie case, for applicability of the provisions of the Act of 1989, the bar created under Section 18 of the Act of 1989 shall not apply and in appropriate cases of exceptional nature, benefit of anticipatory bail could be admitted to the applicant. The learned Court below committed patent illegality in mechanically rejecting the bail application. Order of rejection, therefore, cannot be sustained in law and, therefore, set aside.
9. After hearing counsel for the parties and considering the facts and circumstances of the case, and looking to the

---

<sup>1</sup> (2020) 4 SCC 727



material available on record it is evident that there is a land dispute between the parties. The demarcation report and the report of the Sub-Divisional Police Officer are in favour of the appellants. There is no caste-based allegation in the FIR against the appellants.

10. In such a situation, keeping all the above in view and in the light of above judgment, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the appellants. Accordingly, the appeal is **allowed**. It is directed that in the event of arrest of the appellants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each, with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the appellants shall make themselves available for interrogation/medical test etc. before the concerned investigating officer as and when required;
- (ii) that the appellants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the appellants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the appellants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

**(Sanjay Kumar Jaiswal)**  
Judge