



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1034 of 2025

Rajendra Minj S/o Vinod Minj Aged About 40 Years R/o Batouli, P.S. -
Dhourpur, District - Surguja (C.G.)

--- Appellant

versus

State Of Chhattisgarh Through - Station House Officer Of Police Station
- Rajpur, District Balrampur-Ramanujganj (C.G.)

--- Respondent

For Appellant	:	Mr. Hariom Rai, Advocate
For State	:	Ms. Sunita Manikpuri, Dy. Govt. Advocate

CRA No. 1007 of 2025

Dharampal Kaushik S/o Shri Diva Ram Kaushik Aged About 35 Years
R/o Bada (Village), Police Chowki- Bariyon, P.S. Rajpur, District-
Balrampur-Ramanujganj (C.G.) (Accused)

--- Appellant

Versus

State Of Chhattisgarh Through- Police Outpost - Bariyon, Police Station
Rajpur, District- Balrampur-Ramanujganj (C.G.) (Prosecution)

... Respondent/State

For Appellant	:	Mr. Siddharth Pandey, Advocate
For State	:	Ms. Sunita Manikpuri, Dy. Govt. Advocate

CRA No. 1042 of 2025

Dilip Tigga S/o Sameer Tigga Aged About 35 Years R/o Gram Bhaski
Ward No. 14, Police Station And Tehsil Rajpur District Balrampur
Ramanujganj Chhattisgarh

--- Appellant

Versus

State Of Chhattisgarh Through Police Station Rajpur, District Balrampur
Ramanujganj Chhattisgarh

--- Respondent

For Appellant	:	Mr. Manoj Paranjpe, Advocate & Mr. Shakti Raj Sinha, Advocate
For State	:	Ms. Sunita Manikpuri, Dy. Govt. Advocate
For Objector	:	Mr. Krishna Tandon, Advocate

CRA No. 1065 of 2025

Chaturgun Yadav @ Pintu S/o Dhanushdhari Yadav Aged About 45
Years R/o Village Bheski, Police Chowki Bariyon, Police Station And
Tehsil Rajpur District - Balrampur - Ramanujganj (C.G.)

--- Appellant

Versus

State Of Chhattisgarh Through Police Station Rajpur, District-
Balrampur - Ramanujganj (C.G.)

--- Respondent

CRA No. 1115 of 2025

Praveen Agrawal S/o Jogiram Agrawal Aged About 45 Years R/o
Mahuwapara Main Road, Rajpur, Police Station Rajpur, District
Balrampur Ramanujganj Chhattisgarh.

--- Appellant

Versus

State Of Chhattisgarh Through Police Station Rajpur, District Balrampur
Ramanujganj Chhattisgarh.

--- Respondent

CRA No. 1144 of 2025

Vinod Kumar Agrawal S/o Jogiram Agrawal Aged About 50 Years R/o Mahupara Main Road Rajpur, Police Station- Rajpur, District Balrampur- Ramanujganj (C.G.)

--- Appellant

Versus

State Of Chhattisgarh Through- Police Station Rajpur, District Balrampur- Ramanujganj (C.G.)

... Respondent/State

For Appellants	:	Mr. Manoj Paranjpe, Advocate, with Mr. Rishabh Gupta, Advocate
For State	:	Ms. Sunita Manikpuri, Dy. Govt. Advocate
For Objector	:	Mr. Krishna Tandon, Advocate

Hon'ble Shri Justice Sanjay Kumar Jaiswal

Order On Board

01.07.2025

1. Since these six criminal appeals have arisen out of the same Crime **No.103/2025** registered at Police Station Rajpur, District Balrampur-Ramanujganj (CG) for the offence punishable under Sections 108, 3(5) of BNS and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the SC/ST Act") seeking for grant of anticipatory/regular bail, they have been clubbed together, heard together and are being disposed of by this common order.
2. The above appeals under Section 14-A(2) of the SC/ST Act" have been filed by the appellants challenging the impugned orders dated 14.05.2025, 24.05.2025, 03.06.2025 passed by the trial Court - Special Judge (Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act), Balrampur, Place Ramanujganj, Chhattisgarh, whereby the anticipatory/regular bail applications filed by the appellants have been dismissed.

3. Appellants Rajendra Minj, Dharampal Kaushik, Praveen Agrawal & Vinod Kumar Agrawal have preferred CRA Nos.1034/2025, 1007/2025, 1115/2025 & 1144/2025 for grant of anticipatory bail and appellants Dislip Tigga and Chaturgun Yadav have preferred CRA Nos.1042/2025 & 1065/2025 for grant of regular bail.
4. The facts of the case, in brief, are that the land of Zubaro Bai was registered in a joint account with others. Zubaro Bai's son is the complainant Santram and her husband Bhaira Ram (deceased) was a Pahadi Korwa. Appellants Vinod Kumar Agarwal and Praveen Agarwal fraudulently and deceitfully got the land of Zubaro Bai registered in the name of Shivaram on 18/11/2024 without partition, in respect of which no money was given to Zubaro Bai. On the written complaint of Zubaro Bai and Santram S/o deceased Bhaira Ram, Police registered Crime No.90/2025 on 23/04/2025 under sections 318, 338, 336, 340, 3(5) of Bharatiya Nyaya Sanhita, 2023.
5. On the death of Bhaira Ram on 22/04/2025, on the information of his son Santram, Merg was registered and enquiry was conducted. On the second written complaint of complainant Santram and after Merg enquiry, on 06/05/2025, Crime No.103/2025 under sections 108, 3(5) of BNS, 2023 was registered against the appellants and Sudama Sharma at Police Station New Rajpur, in which section 3 2 (v) of the SC/ST Act was also added later. The said crime was registered on the basis of written complaint of Santram and also on the basis that in the Merg enquiry it was found that the appellants, co-accused Sudama Sharma and their other companions used to tell Bhaira Ram that now the land belongs to them and he should run away and was harassed by threatening to

beat him, due to which Bhaira Ram committed suicide by hanging himself in the intervening night of 21/22 April, 2025.

6. Learned counsel for the appellants argue that the date of execution of the sale deed is stated to be 18/11/2024. The suicide by Bhaira Ram is said to have occurred on the intervening night of 21 & 22/04/2025. Thereafter on 23/04/2025, the first Crime No.90/2025 was registered on the written complaint of his son Santram, in which there are other accused and no facts have been mentioned for abetting/instigating Bhaira Ram to commit suicide. In Crime No.90/2025, the accused Shivaram Nagesia, Uday Sharma, Mahendra Agarwal, Amit Gupta, Riazul Hasan & Kamla Nagesia have been granted regular bail by the Coordinate Bench of this Court while co-accused of that case Mahendra Gupta, Rahul Singh, Yashwant Kumar & Rahul Agarwal have been given the benefit of anticipatory bail. Only the anticipatory bail application of accused Vinod Kumar Agarwal has been rejected and accused Praveen Agrawal had not filed any application for grant of bail and Vinod Agarwal and Praveen Agarwal are the only two accused who are also accused in Crime No.103/2025. Thus, both crime numbers i.e. 90/2025 and 103/2025 have been registered after the death of Bhaira Ram against different accused except two accused Vinod Agarwal and Praveen Agarwal.
7. The further argument of learned counsel for the appellants is that at the time of registration of Crime No.90/2025 on 23.04.2025, Bhaira Ram had died but no fact has been mentioned in that regard in the FIR of Crime No.90/2025. Crime No.103/2025 has been registered against the present appellants after a long time on 06/05/2025. The subject matter of both the crime numbers is the same. In Crime No.90/2025, anticipatory/regular bail applications of other co-accused except Vinod Kumar Agarwal have been allowed and the subject matter is same, therefore, in this case, the appellants are also entitled for anticipatory/regular bail. Section 18

of the Special Act is not attracted because the offence under the Special Act is not made out by the First Information Report. In support of this argument, they relied upon the judgments of the Hon'ble Supreme Court in the case of **Prathvi Raj Chouhan v. Union of India and others** reported in (2020) 4 SCC 727 and **Hitesh Verma v. State of Uttarakhand and another** reported in (2020) 10 SCC 710.

8. Learned counsel for the appellants also argued that if there are several other offences registered against an accused, on that sole ground his bail cannot be refused in the case in which prima facie offence is not made out against him. In support of this argument, reliance was placed on **Prabhakar Tewari v. State of UP and another**, (2020) 11 SCC 648. It has been argued that in case of abetment of suicide, a prima facie case must be disclosed and the active role of the accused should also be evident in it. It is a well-settled principle of law that while rejecting the bail application, the Court should examine the matter minutely. They placed reliance on **Arnab Manoranjan Goswami v. State of Maharashtra and others**, (2021) 2 SCC 427, in which it has been held that while deciding bail application, the Court should keep in mind the fundamental right to personal liberty enshrined in the Constitution and its principal that bail not jail.
9. Learned State counsel has opposed the above argument of the appellants and submitted that the impugned orders passed by the trial court is proper. She submits that there are 6 other criminal cases registered against appellant Praveen Agarwal and 9 criminal cases registered against appellant Vinod Kumar Agarwal. Evidence has been collected regarding the common intention of the remaining accused along with the appellants Vinod and Praveen for harassing Bhaira Ram. Both the crime numbers have been registered on the basis of the written complaint of complainant Santram. In Crime No.90/2025, the original complaint

is of fraudulently executing the sale deed of the land of Zubaro Bai in the name of someone else without giving her any consideration amount, in which other accused apart from Vinod Kumar Agarwal and Praveen Agarwal are involved. The said crime (Crime No.90/2025) was definitely registered on 23/04/2025 but its written complaint was given to the Police earlier and it does not appear that at the time of giving written complaint, Bhaira Ram had died. Hence, after the death of Bhaira Ram, a separate written complaint was given by his son Santram, based on which and after Merg enquiry on the death of Bhaira Ram, on 06/05/2025, the second First Information Report has been registered against the appellants and co-accused Sudama Sharma in Crime No.103/2025. There is a difference in offence in both the crimes, there is a difference in the accused and the main accused in the entire conspiracy and abetment is Vinod Kumar Agarwal, whose anticipatory bail has been rejected by the Coordinate Bench in respect of Crime No.90/2025, whereas no bail application was filed by Praveen Agarwal in respect that crime number. In this Crime No.103/2025, both these accused have come for anticipatory bail. Learned state counsel submits that the investigation of the case is incomplete, in this situation, at this stage it cannot be said that no offence is made out against the appellants. Due to the difference in both the crimes, the benefit of bail given to other accused by the Coordinate Bench in Crime No.90/2025 cannot be given to the present appellants because none of the appellants has got any relief from this Court in Crime No.90/2025. In such a situation, the appeals seeking for grant of anticipatory/regular bail to the appellants deserve to be dismissed.

10. Heard both the parties and perused the case diary with utmost circumspection.
11. From perusal of the record, it is clear that both the crimes have been registered by the Police on the written complaint of

complainant Santram. It is also clear that the appellants Praveen Agarwal and Vinod Kumar Agarwal are the common accused in both the crimes, whereas the other appellants have neither been accused in the first Crime No.90/2025 nor have they been given any relief by the Court in that crime. The common accused Praveen Agarwal did not file any bail application in respect of Crime No.90/2025 and the anticipatory bail application of Vinod Kumar Agarwal in respect of Crime No.90/2025 has been rejected. There are 9 other criminal cases registered against appellant Vinod Kumar Agarwal and 6 criminal cases registered against appellant Praveen Agarwal. In both the crimes, they have not been arrested till date. Crime No.103/2025 has been registered against the present appellants. The Police investigation in the case is not complete. At this stage, it would not be appropriate to comment anything on the merits of the appeals. Hence, in view of the incompleteness of the investigation, this Court finds that the appeals filed seeking grant of anticipatory/regular bail to the appellants is not sustainable at this stage.

12. Accordingly, CRA 1034/2025, 1007/2025, 1115/2025 & 1144/2025 filed for grant of anticipatory bail and CRA 1042/2025 & 1065/2025 filed for grant of regular bail in respect of Crime No.103/2025 registered at Police Station Rajpur, District Balrampur-Ramanujganj (CG) are hereby **dismissed**.
13. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information.

Sd/-
(Sanjay Kumar Jaiswal)
Judge

Khatai