

SUPREME COURT OF INDIA

Shakuntla Devi

Vs.

Baljinder Singh

Crl.A.No.595 of 2013

(A.K.Patnaik and Sudhansu Jyoti Mukhopadhaya JJ.)

05.04.2013

ORDER

1. Leave granted.
2. We have heard learned counsel for the parties.
3. By the impugned judgment dated 31.01.2012 passed in Criminal Misc.No.M-17586 of 2011, the High Court has granted anticipatory bail under Section 438 of the Criminal Procedure Code, 1973 to the respondent in Complaint Case No.38/1 dated 30.07.2010, under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1984 and Sections 323, 354, 388 and 506 of the Indian Penal Code, 1860 registered with P.S.Model Town,Panipat (Haryana).
4. We find that Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1984 provides that nothing in Section 438 of the Criminal Procedure Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act. This Court has also held in Vilas Pandurang Pawar Anr. Vs. State of Maharashtra Ors., reported in 2012 (8) SCALE, 577 that Section 18 of the Act creates a specific bar to the grant of anticipatory bail to a person against whom any offence is registered under the provisions of the aforesaid Act and, therefore no Court shall entertain an application for anticipatory bail unless it, prima facie, finds that an offence under the Act is not made out.
5. The High Court has not given any finding in the impugned order that an offence under the aforesaid Act is not made out against the respondent and has granted

anticipatory bail, which is contrary to the provisions of Section 18 of the aforesaid Act as well as the aforesaid decision of this Court in Vilas Panduranga Pawar Anr. case (supra).

6. Hence, without going into the merits of the allegations made against the respondent, we set aside the impugned order of the High Court granting bail to the respondent.

Criminal Appeal is allowed accordingly.