

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 676 of 2020**

- Rishi Kashyap S/o Late Bharat Lal Kashyap Aged About 42 Years R/o. Vill. Kapasia Kala, Teh. Takhatpur, Distt. Bilaspur (Chhattisgarh).

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, Kota, Distt. Bilaspur, (Chhattisgarh).

---- Respondent

For Appellant	: Shri Ajay Ayachi, Advocate.
For Respondent/State	: Shri H.S. Ahluwalia, Dy.A.G.
For Objector	: Shri Dharmesh Shrivastava, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Judgment on Board****19/10/2020**

1. Heard through video conferencing.
2. This appeal has been preferred under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against impugned order dated 26.8.2020 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, 1989 Bilaspur, District Bilaspur, (C.G.) in Bail Application No. 1167/2020, whereby the Trial Court has rejected the bail application of the appellant preferred under Section 439 of Cr.P.C. which relates to crime number 270/2020, registered at Police Station Kota, District Bilaspur, (C.G.) for the offence punishable under Sections 294, 323, 506 of the IPC and Section 3(1)(10) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. According to the case of the prosecution, complainant belongs to scheduled caste community. He made a report against present appellant on 1.7.2020 alleging therein that on the date of incident present appellant abused him in the name of his caste and also assaulted him with hand and fists. Appellant also threatened him for his life. On the basis of the said report, offence has been registered. The appellant is in custody since 18.8.2020. An application under Section 439 of Cr.P.C. was preferred by the appellant before the learned Special Judge, SC/ST (PA) Act, 1989, District Bilaspur, (C.G.) and the said has been rejected by the learned Special Judge vide order dated 26.8.2020. Hence, this appeal.
4. Learned Counsel appearing on behalf of the appellant submits that the appellant is innocent and has been falsely implicated in the present case. He further submits that except offence related to atrocities, all other offences are bailable in nature. Appellant has no criminal antecedent, he is in custody since 18.8.2020 and trial is likely to take time to conclude. Therefore, it is prayed that the appellant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State and Objector oppose the appeal.
6. I have heard learned Counsel for the parties and perused the material available.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by learned counsel appearing for the parties and further considering the facts that the appellant has no criminal antecedent, he is in custody since 18.8.2020

therefore, without further commenting on other merits of the case, I am inclined to release the appellant on bail.

8. Accordingly, the appeal is allowed. The impugned order is set-aside.
9. It is directed that the appellant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge