

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 658 of 2020**

Shailendra Singh S/o Shri Narayan Singh, aged about 30 years, R/o Forest Office Colony, Sindhi Colony, P.S.: Civil Line, District: Bilaspur Chhattisgarh.

---- Appellant**Versus**

State of Chhattisgarh, through Police Station: Civil Line, District: Bilaspur Chhattisgarh.

---- Respondent

For Appellant	: Mr. C. Jayant. K. Rao, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.
For Objector	: Mr. K.P.S. Gandhi, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel**Judgment On Board****12.10.2020**

1. This appeal has been preferred under Section 14(A)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against impugned order dated 26.08.2020 passed by learned Special Judge, Atrocities, District: Bilaspur (C.G.) in Bail Application No.1199/2020, whereby the Trial Court has rejected bail application of the appellant preferred under Section 439 of Cr.P.C. which relates to crime number 801/2019, registered at Police Station: Civil Line, District: Bilaspur (C.G.) for the offence punishable under Sections 294, 323 & 506/34 of IPC and Section 3 (1) (10) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. According to the case of prosecution, initially on 17.10.2019, the prosecutrix in this case lodged FIR against co-accused namely Navin Tiwari, on the basis of report made by prosecutrix, offence under Section 376 & 506 of IPC had been registered against Navin Tiwari. Thereafter, Navin Tiwari was granted benefit of anticipatory bail by this Court. Thereafter, the present FIR has been filed by the prosecutrix alleging therein that, on the date of incident present Appellant and other co-accused persons harassed the prosecutrix to withdraw her complaint and threatened her that they will kill her brother. On the basis of said report, initially offence under Section 294, 323 & 506/34 of IPC were registered. Since, prosecutrix belongs to Scheduled Caste community, therefore, offence under Section 3 (1) (10) of SC/ST Act was added later on. The appellant was arrested on 25.08.2020. Thereafter, he filed an application under Section 439 of Cr.P.C. before learned Special Judge, Atrocities, Bilaspur, District Bilaspur (C.G.) and the said has been rejected by the learned Special Judge vide order dated 26.08.2020. Hence, this appeal.
3. Learned Counsel appearing on behalf of the appellant submits that the appellant is innocent. Virtually, co-accused Navin Tiwari has been granted benefit of anticipatory bail by this Court vide order dated 03.03.2020 passed in MCRCA No.1918/2019. Thereafter, to create pressure false and fabricated report has been lodged by the prosecutrix against the present Appellant. Learned counsel further submits that the Appellant is in jail since 25.08.2020, charge-sheet has not yet been filed, therefore, trial is likely to take time, therefore, it is prayed that the Appellant may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State and objector oppose the appeal. State counsel submits that there are total 09 previous antecedents against the present Appellant, it appears that the present Appellant is a known criminal, therefore, the instant appeal of the present Appellant be rejected.
5. In reply, learned counsel for the Appellant submits that though there are total 09 cases registered against present Appellant but out of 09 cases, the present Appellant has been acquitted in 06 cases and 03 cases are pending which are simple in nature. The Appellant has already been granted benefit of bail on those three pending cases and he has never misused the liberty given to him.
6. I have heard learned Counsel for the parties and perused the material available.
7. Considering the facts and circumstances of the case, particularly considering the fact that initially offence under Section 294, 323 & 506 were only registered and later on during course of investigation, offence under Section 3 (1) (10) of SC/ST Act have been added and further considering the fact that the Appellant is in jail since 25.08.2020, 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 Trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)
Judge**

Saurabh