

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 647 of 2020**

- Akhilesh Kumar Sahu S/o Late Shri Shyamlal Sahu Aged About 40 Years R/o Village - Devarsur, Post Korramtola, P.S. Mohla District : Rajnandgaon, Chhattisgarh

----Appellant**Versus**

- State Of Chhattisgarh Through The P.S. Mohla, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Appellant	Shri Shaleen Singh Baghel, Adv.
For Respondent/State	Shri Dinesh Tiwari, Deputy Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

20/11/2020

1. This appeal by the accused/appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 13.08.2020 passed by the Learned Additional Sessions Judge (F.T.S.C.), District Rajnandgaon, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 21.07.2020 in connection with Crime No.101/2020 for the offence punishable under Sections 376, 354, 450, 294 and 506 of Indian Penal Code and Section 3(2)(V-A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Mohla,

District - Rajnandgaon, C.G.

2. Learned counsel for the appellant submitted that the appellant has been falsely implicated in the present case. In fact there was a love affair between the appellant and prosecutrix. The prosecutrix is a major lady aged about 31 years and she has deserted her husband. Since, the nephew of the prosecutrix saw the prosecutrix and the appellant in a compromising position, she lodged a false report against the appellant. He submits that the appellant has no criminal antecedent. The medical report of the prosecutrix also does not supported the prosecution case. There is not eye witness of the incident and further that the appellant is in jail since 21.07.2020, the conclusion of the trial will likely to take some time, therefore, he may be released on bail.
3. Prosecutrix is connected through video conferencing from District Legal Services Committee, Rajnandgaon with her counsel Shri Mannulal Sahu and she objected to the bail application.
4. Learned counsel for the State also opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecutrix the first incident happened on 07.05.2020 at 3.00 p.m. when she was all alone in her house. At that time, she did not raise any hue and cry for help. Thereafter, on 13.07.2020 again accused entered her home and when her nephew saw both of them in a compromising situation, then on 20.07.2020 the prosecutrix lodged FIR.

7. Looking to the facts and circumstances of the case, the age of the prosecutrix and that the medical evidence has not supported the case of the prosecution and that she did not offer any resistance to the act of the accused, without expressing anything on merits, this Court is of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is allowed. It is directed that in the event of appellant executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till

disposal of the trial.

- (iv) He shall not involve himself in any offence of similar nature in future.

Sd/-
(Gautam Chourdiya)
Judge