

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 651 of 2020**

- Lalit Ram Sahu @ Gopichand S/o Inderam Sahu, Aged About 21 Years R/o Village - Dhandhani, Ward No. 8, Thana - Nawagarh, District - Bemetara Chhattisgarh. ---- **Appellant**

Versus

- State Of Chhattisgarh, Through Thana - Suhela, District - Baloda Bazar Chhattisgarh. ---- **Respondent**

For appellant : Mr. Samir Singh, Advocate.

For State : Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya, J.

Judgment on Board

1-12-2020

1. The appellant has preferred this appeal under Section 14(A) (ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the impugned order dated 28-8-2020 (Annexure P/1) passed by learned Special Judge, SC & ST (PA) Act 1989 in Bail Application No. Nil, whereby the Special Judge has rejected bail application of the appellant preferred under Section 439 of Cr.P.C. which relates to Crime No. 104 of 2020, registered at Police Suhela, District Baloda Bazar (C.G.) for the offence punishable under Sections 354 (A), 376, 509 (B) of IPC and Section 3 (2) (V-A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989 and Section 67-A of Information Technology Act, 2000. The appellant has been arrested on 23-8-2020. Thereafter, the appellant filed application

under Section 439 of Cr.P.C., before the learned Special Judge, SC & ST (PA) Act, 1989 Baloda Bazar (CG) and the said application has been rejected by the learned Special Judge vide impugned order dated 28-8-2020. Hence, this appeal.

2. The allegations against the appellant are that the prosecutrix lodged a report in Police Station Suhela, District Baloda Bazar, stating therein that the applicant knowing fully well that the prosecutrix belongs to a member of Scheduled Caste, committed sexual intercourse with her on the assurance of marriage. It is also alleged that the appellant compelled her to remove her clothes before him through video, failing which he would commit suicide and demanded her to send her nude photos to him through Whatsapp. It is also alleged that the appellant sent the nude photos of prosecutrix to her family members. He also black mailed the prosecutrix that he would upload her nude photos in website, if she did not fulfill his demands and thereby he outraged her modesty.
3. Learned counsel for the appellant submits that the case of the prosecution is highly improbable and entire prosecution story is full of surmises and conjectures. The prosecution has not collected any incriminating evidence against the appellant. It is further submitted that the appellant has been falsely implicated in the crime in question, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore, it is prayed that the appellant may be released on bail.
4. Per contra, learned counsel for the State opposing the appeal would submit that there is cogent evidence against the appellant to connect

him with the crime in question, therefore, he is not entitled to be released on bail.

5. Prosecutrix has been contacted through video conferencing from District Legal Services Authority, Baloda Bazar and she opposed the bail petition of the applicant.
6. I have heard learned counsel for the parties and perused material available on record.
7. Perusal of the record would show that the appellant committed sexual intercourse with prosecutrix on the pretext of marriage and thereafter made her nude in video and her nude photos were sent to her family members.
8. Considering the facts and circumstances of the case, looking to the material collected by the Investigating agency, statement of the prosecutrix, particularly considering the quality of evidence and the manner in which the appellant has committed the aforesaid offence, I am not inclined to release the present appellant on bail.
9. Accordingly, the appeal is liable to be and is hereby dismissed.

Sd/-

(Gautam Chourdiya)

Judge

Raju