

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 659 of 2020

Makral Yadav S/o Miludhar, Aged About 39 Years Resident Of Village Bhathri, Police Station Jarhagaon, District Mungeli Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Jarhagaon, District Mungeli Chhattisgarh.

---- Respondent

For Appellant	: Mr. Santosh Bharat, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.
For Objector	: Mr. Sunil Sahu, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment On Board

08/10/2020

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 19.06.2020 passed by learned Special Judge, Atrocities, Mungeli, District Mungeli (C.G.) in Special Criminal Case No. 11/2020, whereby the Trial Court has rejected bail application of the appellant preferred under Section 439 of Cr.P.C. which relates to crime number 107/2019, registered at Police Station Jarhagaon, District Mungeli (C.G.) wherein, the appellant has been convicted for the offence punishable under Sections 294 & 323 of the IPC and Section 3(1)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. It is alleged that on the date of incident, the appellant abused the complainant by name of his caste within public view to insult him. It is further alleged that the appellant also threatened the complainant of his life. On the basis of report made by the complainant, offence has been registered against the appellant. The appellant is in custody

since 10.06.2020. An application under Section 439 of Cr.P.C. was preferred by the Appellant before learned Special Judge, Atrocities, Mungeli, District Mungeli (C.G.) and the said has been rejected by the learned Special Judge vide order dated 19.06.2020. Hence, this appeal.

3. Learned Counsel appearing on behalf of the appellant submits that the appellant is innocent. Virtually, there was a previous dispute between the appellant and the complainant and, therefore, the complainant has falsely implicated the appellant in the present case. He further submits that entire story narrated by the complainant is suspicious. The Counsel lastly submits that the appellant has no criminal antecedent, he is in custody since 10.06.2020, charge-sheet has been filed and trial is likely to take time to conclude. 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.
5. I have heard learned Counsel for the parties and perused the material available.
6. 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 and he is in custody since 10.06.2020, without further commenting on other merits of the case, I am inclined to release the appellant on bail.
7. Accordingly, the appeal is allowed. The impugned order is set-aside.
8. 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