

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 713 of 2020**

- Santosh Kumar Yadav S/o Ramchand Yadav Aged About 30 Years R/o Geji Mahuapara, Police Station, Khadgawan, District- Koriya, Chhattisgarh.

**---- Appellant**

**Versus**

- State Of Chhattisgarh Through Police Station AJAK, Baikunthpur, District- Koriya, Chhattisgarh.

**---- Respondent**

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For Appellant : Shri Pushkar Sinha, Advocate.  
For Respondent/State : Shri H.S. Ahluwalia, Dy. G.A.

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Judgment on Board**

**04/11/2020**

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 (for short 'the Act') against impugned order dated 3.7.2020 passed by learned Special Judge (Atrocities), Baikunthpur, District Koriya, (C.G.) 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 21/2020, registered at Police Station AJAK Baikunthpur, District - Koriya, (C.G.) for the offence punishable under Sections 354, 354(B), 34 of the IPC and Section 8 of POCSO Act and Section 3(1)(w)(i) of

the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. According to the case of the prosecution, it is alleged that on 16.6.2020 at 5:00 PM when the prosecutrix who is a minor girl was returning home with one of her relatives with grocery articles, at that time, the present applicant and one co-accused person tried to outrage her modesty. When some people came there, then they fled away from the spot. On the basis of the above background, report was lodged by the prosecutrix and offence has been registered. During course of investigation, appellant was arrested and taken into custody on 22.6.2020. An application under Section 439 of Cr.P.C. was preferred by the appellant before the learned Special Judge (Atrocities), Baikunthpur, District Koriya, (C.G.) and the said has been rejected by the learned Special Judge vide order dated 3.7.2020. Hence, this appeal.
4. Learned Counsel appearing on behalf of the appellant submits that the appellant is innocent and is falsely implicated in the present case. He further submits that appellant is the owner of the grocery shop from where prosecutrix had purchased grocery articles but meanwhile she kept the other materials also without the knowledge of the appellant and when it came to the knowledge of appellant he just wanted to check the bag of the prosecutrix. But prosecutrix made false allegation against

appellant and co-accused person. It is further submitted that other co-accused person is a juvenile and he has already been granted bail. Appellant is in jail since 22.6.2020, charge-sheet has been filed and there is no previous antecedent of the appellant. Ignoring the above facts, trial Court has rejected the bail application of the appellant. Therefore, it is prayed that the appellant may be released on bail.

5. Per contra, learned Counsel appearing on behalf of the State opposes the appeal.
6. Prosecutrix of the case has also appeared through video conferencing from DLSA Baikunthpur. She is identified by one local Counsel namely L.R. Ravi. On being asked regarding the grant of bail application filed by the appellant, prosecutrix opposed the same.
7. I have heard learned Counsel for the parties and perused the material available.
8. 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 appellant is in custody since 22.6.2020, charge-sheet has been filed and there is no previous antecedents of the appellant, therefore, without further commenting on other merits of the case, I am inclined to release the appellant on bail.
9. Accordingly, the appeal is allowed. The impugned order is set-

aside.

**10.** 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**