

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 683 of 2020

- Bhaiyalal S/o Late Vijai Panika Aged About 64 Years R/o Mainpur, Ward No. 2, Police Station Kotadol, District Koriya, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Police Station Kotadol District Koriya, Chhattisgarh.

---- Respondent

For Appellant	: Shri Pushkar Sinha, Advocate.
For Respondent/State	: Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

05/11/2020

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 against impugned order dated 7.7.2020 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, 1989, 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 25/2019, registered at Police Station Katadol, District Koriya, (C.G.) for the offence punishable under Sections 354, 452, 323 of the IPC and Section 3(1)(b)(ii), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. According to the case of the prosecution, on 8.11.2019 at 2 P.M when the prosecutrix was alone at her house, at that time appellant entered in her house and tried to outrage her modesty. When prosecutrix resisted and raised her voice, appellant left her and fled away from the spot. Prosecutrix narrated the incident to her family members. On the basis of the above background, offence has been registered. During course of investigation, appellant was arrested and taken into custody on 23.6.2020. An application under Section 439 of Cr.P.C. was preferred by the appellant before the learned Special Judge, SC/ST (Prevention of Atrocities) Act, 1989, Baikunthpur, District – Koriya, (C.G.) and the said has been rejected by the learned Special Judge vide order dated 7.7.2020. Hence, this appeal.
4. Learned Counsel appearing on behalf of the appellant submits that the appellant is innocent and has been falsely implicated in the present case due to some previous enmity. The Counsel further submits that the appellant has no criminal antecedent, he is in custody since 23.6.2020, charge-sheet has been filed and trial is likely to take time to conclude. Ignoring the above grounds, Special 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/victim of the case has appeared before this Court through Video Conferencing from DLSA, Baikunthpur, Koriya. When prosecutrix was asked regarding grant of bail application filed by the appellant, she 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 the appellant has no criminal antecedent, he is in custody since 23.6.2020 and charge-sheet has been filed, 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