

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 695 of 2020

- Samir Nishad S/o Krishna Nishad, Aged About 19 Years R/o Jhopdipara Ward No. 35, Rental House Of Gajju Yadav, Police Chowki Jutemill, Permanent R/o Ward No. 2 Dhangardipa Thana City Kotwali Raigarh, Tahsil And District Raigarh Chhattisgarh. ---- **Appellant**

Versus

- State Of Chhattisgarh, Through Chowki In - Charge Jute Mill, Thana City Kotwali Raigarh, District Raigarh Chhattisgarh. ---- **Respondent**

For Appellant : Shri Rajendra Tripathi, Advocate
For Respondent/State : Ms. Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

26/11/2020

- 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 15.07.2020 passed by the Special Judge (Atrocities Act), Raigarh (C.G.) in Crime No. 1004/2019 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Sections 363 of IPC and 3(2)(v) of SC/ST (Prevention of Atrocities Act 1989) registered at Police Station-Jutimil, City Kotwali, Raigarh (C.G.). The appellant is in jail since 14.07.2020.
- 2) Case of the prosecution, in brief, is that on 19/11/2019, the prosecutrix was found missing and therefore, the aforesaid offence has been registered against the appellant.
- 3) Learned counsel for the appellant submits that the appellant has falsely implicated in the case. The appellant has been arrested on the basis of suspicion only, he submits that the appellant is in jail since 14.07.2020, charge-sheet has also been filed and nothing is required to be seized from him and however the conclusion of the trial is likely to take some time therefore, the

appellant is released on bail.

- 4) On the other hand, learned state counsel opposes the submission of the learned counsel for the appellant.
- 5) As per office report, notice issued to the prosecutrix has already been served but neither the prosecutrix is present in person nor is there any representation on her behalf.
- 6) I have heard learned counsel for the parties, considering the facts and circumstances of the case, the manner in which the crime is said to have taken place, the fact that despite service of notice the prosecutrix has not appeared either in person or through counsel, the detention period of the appellant and that the conclusion of the trial is likely to take some time, without expressing anything on the merit of the case, the appeal is allowed. It is directed that in the event of appellant executing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- each 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 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**