

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 710 of 2020

1. Suraj @ Raju Chandrakar S/o Ganesh Ram Chandrakar, Aged About 22 Years, R/o Village Bhaisabod, Police Station Ranitarai, Tahsil Patan, District Durg (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Ranitarai, District Durg (C.G.).

---- Respondent

For Appellant	:	Shri Manish Upadhyay, Advocate.
For Respondent/State	:	Miss Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

02/12/2020

- 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 29/06/2020 passed by the Special Judge, Durg (C.G.) in Bail Application No. 871/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 13/03/2020 in connection with Crime No. 160/2019 for the offence punishable under Section 376 of Indian Penal Code and under Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Ranitarai, District Durg (C.G.).
- 2) Case of the prosecution in brief is that prosecutrix lodged a written report at Police Station Ranitarai, District Durg (C.G.) that she had love affair with the appellant 2 years prior to 31/10/2019 and the appellant on the pretext performing marriage with her, exploiting her physically but thereafter refused to marry her in

the village meeting.

- 3) Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He submits that in fact prosecutrix and the appellant were having affair for the last 2 years and as they belonging to different caste, under the pressure of family members of prosecutrix the report has been falsely lodged. Moreover, there is unexplained delay in lodging the FIR. There is no conclusive evidence regarding age of the prosecutrix that she was below 18 years at the time of incident. The appellant is in jail. He submits that charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
- 4) Learned counsel for the State also opposing the submission made by the appellant's counsel submits that the trial Court has rightly rejected the bail application of the appellant and there is no illegality or infirmity in the same warranting interference by this Court.
- 5) Heard learned counsel for the parties and perused the case dairy.
- 6) Neither the prosecutrix is connected through video conferencing nor is there any representation on her behalf.
- 7) Considering the facts and circumstances of the case, the fact that the appellant and the prosecutrix having affair for about 2 years and the said fact was not disclosed by the prosecutrix to her parents till 2020 as is seen from the case dairy, the charge sheet has already been filed, the detention period of the applicant and that the trial is likely to take some time for conclusion, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is **allowed**. It is directed that in the event of applicant 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 dissuade him from disclosing such fact 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**

Chandrakant