

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 702 of 2020

- Ram Sakal Prasad Gupta, S/o Kedar Sao, aged about 46 years, R/o Chando, P.S. Chando, District Balrampur-Ramanujganj (C.G.)

---- Appellant

Versus

- State of Chhattisgarh Through The Station House Officer – Police Station- Chando, District Balrampur-Ramanujganj (C.G.)

---- Respondent/State

For Appellant	:	Shri A.N. Pandey, Advocate
For Respondent/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment on Board

15.12.2020

1. This appeal by the accused/appellant under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 07.09.2020 passed by the Special Judge (SC/ST Act), Balrampur at Ramanujganj (C.G.) in Bail Application Case No. 389/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 03.09.2020 in connection with Crime No. 04/2020 for the offence punishable under Sections 294, 506 & 323 of IPC and Section 3(2) (v) A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Chando, District Balrampur-Ramanujganj (C.G.)
2. Complainant/victim namely Avinash Bhagat appeared before this Court in person and he has objection to grant of bail to the appellant by this Court.
3. As per prosecution story, on 10.02.2020, complainant was returning from market to his house at Village Madawa and when he reached near the house of Shyamu Singh, the present appellant came and asked the complainant as to why he was not giving side and started abusing him filthily

and assaulting the complainant due to which, complainant sustained injury. Thereafter, the complainant lodged the report against the appellant in Police Station Chando.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in this case. He also submits that the dispute arose between the complainant and the appellant over giving of side for passing the vehicle and first complainant abused the appellant, thereafter the quarrel between the parties started and both parties received injuries. He submits that the injury received by the complainant is simple in nature. He further submits that the appellant is in jail since 03.09.2020, he has no criminal antecedents, and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
5. On the other hand, learned counsel for the State opposes the appeal.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of dispute giving rise to the incident, the fact that the complainant sustained simple injuries, the appellant is in jail since 03.09.2020 and that conclusion of the trial is likely to take some time, without expressing any opinion on the 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 and the impugned order is set aside.
8. It is directed that in the event of appellant executing a personal bond for a sum of Rs.50,000/- with one surety of Rs.50,000/- 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.

- 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

vatti