

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 722 of 2020**

- Leeladhar Yadav S/o Ram Prasad Yadav Aged About 25 Years R/o Village Karnoud Police Station Birri, District : Janjgir-Champa, Chhattisgarh

----Appellant**Versus**

- State of Chhattisgarh Through Station House Officer Police Station- Bankimogra, District : Korba, Chhattisgarh

---- Respondent

For Appellant	Shri Govind Ram Miri, Adv. Along with Shri Basant Kaiwartya, Adv.
For Respondent/State	Shri Dinesh Tiwari, Deputy Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

20/11/2020

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 Learned Special Judge (SC/ST Act), District Korba, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 14.03.2020 in connection with Crime No.26/2020 for the offence punishable under Section 363, 366 and 376 of Indian Penal Code and under Section 4, 5 and 6 of the Protection of Children from Sexual Offences, Act, 2012 and Section 3(2)

(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Bankimogra, District Korba, C.G.

2. Allegation against the accused/appellant is that he abducted the prosecutrix, a minor girl of Scheduled Caste community from her lawful guardianship and thereafter subjected to forcible sexual intercourse.
3. Learned counsel for the appellant submits that in fact there was a love affair between the appellant and prosecutrix. The prosecutrix of her own free will accompanied the appellant and visited several places and thereafter they performed marriage at Mahamaya Mandir, Ratanpur. The appellant is in jail since 14.03.2020 and the conclusion of trial is likely to take some time, therefore, the appellant be released on bail.
4. Prosecutrix is connected through video conferencing from District Legal Services Committee, Korba with her counsel Shri Rajeshwar Diwan and she requested to release the appellant on bail. She stated that the appellant has not committed any sexual intercourse with her against her will. Prosecutrix further stated that she herself compelled the accused to take her away from Champa to Bilaspur and also performed marriage at Mahamaya Mandir, Ratanpur. She stated that after marriage had maintained physical relations.

5. Learned counsel for the State also opposes the bail application.
6. Heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, no objection for grant of bail made by the prosecutrix on her statement that she had physical relationship with the appellant only after performing marriage, charge-sheet has been filed in this case and that the appellant is in jail since 14.03.2020, without expressing anything on merits, 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 appellant executing a personal bond for a sum of Rs.25,000/- with two local sureties for the like amount 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

yasmin