

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 720 of 2020

- Krishna Yadav S/o Late C.L. Yadav Aged About 38 Years R/o Near Durga Temple Dabripara, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Police Station AJAK , District Bilaspur, Chhattisgarh.

---- Respondent

For Appellant	: Shri Sumit Singh, Advocate.
For Respondent/State	: Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

14/10/2020

1. Heard through video conferencing. Prosecutrix/victim is present in person before the Court through help desk.
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 30.7.2020 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, 1989 (F.T.C.) Bilaspur, District Bilaspur, (C.G.) in Bail Application No. 1014/2020, 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 171/2020, registered at Police Station AJAK, Bilaspur, District Bilaspur, (C.G.) for the offence punishable under Section 354

of the IPC and Section 3(1)(b)(i)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. According to the case of the prosecution, appellant is the ward boy at District Hospital, Bilaspur and prosecutrix is a home guard posted at the same place. On 21.7.2020 at about 12 O'Clock night, prosecutrix asked the appellant to administer her medicine through injection and while injecting the medicine, appellant tried to outrage the modesty of the prosecutrix. A written complaint was lodged by the prosecutrix on the next date of the alleged incident i.e. on 22.7.2020. On the basis of the written complaint, on 25.7.2020 F.I.R. has been registered against the appellant. The appellant is in custody since 26.7.2020. An application under Section 439 of Cr.P.C. was preferred by the appellant before the learned Special Judge, SC/ST (PA) Act, 1989, (FTC), Bilaspur, District Bilaspur, (C.G.) and the said has been rejected by the learned Special Judge vide order dated 30.7.2020. Hence, this appeal.
4. Learned Counsel appearing on behalf of the appellant submits that the appellant is innocent. Virtually, there was a previous dispute between the appellant and the complainant and, therefore, the complainant has falsely implicated the appellant in the present case. The Counsel further submits that the appellant has no criminal antecedent, he is in custody since 26.7.2020, charge-sheet has been filed and trial is likely to take time to conclude. 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. I have heard learned Counsel for the parties and perused the material available.
7. 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 26.7.2020 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.
8. Accordingly, the appeal is allowed. The impugned order is set-aside.
9. 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