

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 764 of 2020**

- Rajesh Yadav, son of Jageshwar Yadav, aged about 34 years, caste-Mahakul, resident of Village-Hastinapur Police Station-Narayanpur, Distt. Jashpur (CG)

---- Appellant**Versus**

- State of Chhattisgarh Through: the Station House Officer, Police Station-Narayanpur, District Jashpur (C.G.)

---- State/Respondent

For Appellant : Shri JK Saxena, Advocate

For Respondent/State : Dr. (Ms) Veena Nair, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****17.12.2020**

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 30.06.2020 passed by the Special Judge (Atrocities), Jashpur in Special Case No.09/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 17.02.2020 in connection with Crime No. 12/2020 for the offence punishable under Sections 341, 342, 363, 376 of IPC, Section 4 of POCSO Act and Section 3(1) (w) (1) & 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station-Narayanpur, District Jashpur (C.G.).
2. Allegation against the present appellant is that on 15.2.2020 while the prosecutrix was returning to her home on bicycle, he intercepted her on the way and having forcibly taken her to an agricultural field, committed forcible sexual intercourse with her on the threat of life.
3. Learned counsel for the appellant submits that the appellant is an innocent person, he has been falsely implicated in this case, the prosecutrix was a consenting party to the act of the appellant, charge sheet has been filed, the appellant is in jail since 17.2.2020 and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
4. On the other hand, learned counsel for the State opposes the bail.
5. Prosecutrix alongwith her counsel Ms. Sareena Khan is present in person and they have objection to grant of bail to the appellant by this Court.

6. Considering the facts and circumstances of the case, that the appellant is a married man of 34 years, the contents of the promptly lodged FIR naming the appellant as perpetrator of the offence, that there appears to be nothing in the case diary showing previous enmity or affair between the parties, without commenting anything on merits of the case, this Court is not inclined to release the appellant on bail. The order impugned of the trial Court rejecting the appellant's bail application does not suffer from any illegality or perversity. Accordingly, the present appeal being without any substance is hereby dismissed.

Sd/-
(Gautam Chourdiya)
Judge

vatti