

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 768 of 2020**

- Murlidhar Tukaram Durgude, S/o Tukaram Durgude, Aged About 53 Years, Caste- Maratha, Permanent R/o Police Station- Jundar, District- Pune, Maharashtra, Presently R/o Pipri Pedhar, Durgude Pat Pipri Pedhar, Pune, Maharashtra.

**---- Appellant****Versus**

- State of C.G. Through- Station House Officer, Police Station- Manendragarh, District- Koriya Chhattisgarh.

**---- Respondent**


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For Appellant  
For State

Shri Pawan Shrivastava, Advocate.  
Shri Dinesh Tiwari, Dy. G.A.

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**Hon'ble Shri Justice Gautam Chourdiya**  
**Order on Board**

**02/12/2020**

1. Heard.
2. This appeal filed 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 04.09.2020 passed by the Special Judge SC/ST (Prevention of Atrocities) Act, Koriya (Baikunthpur) C.G. refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 24.10.2019 in connection with Crime No. 16/2019 for the offence punishable under Sections 363, 370 of Indian Penal Code, 79 & 84 of Juvenile Justice (Care & Protection of Children) Act and 3(2)(v), 3(2)(v-क) of SC/ST (Prevention of Atrocities Act), registered at Police Station- Manendragarh, District- Koriya, C.G.
3. As per prosecution story, on 11.11.2018, co-accused persons namely Sugreev & Rakesh took some minor and major boys of

Scheduled Tribe communities for doing labour work. Some boys were shifted to Hyderabad and some of them were shifted to Nasik with the appellant for doing labour work in bore machine. It has been alleged that sufficient food and wages were not being given to them and they were being exploited as “Bandhua Majdoor”. On report being lodged to the above effect, offence under the aforesaid sections have been registered against the appellant and other co-accused persons.

4. Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He also submits that no allegation is made against the appellant regarding offence under Sections 370 & 363 of IPC, except that the appellant took away the victims in the name of providing job to them. He next added that all the victims stated in their affidavits that they have no objection to grant of bail to the appellant. In these circumstances, *prima facie*, no offence can be made out against the appellant. He is in custody since 24.10.2019 and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
5. All victims are present in person and they made no objection to grant of bail to the appellant.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, the affidavits of the victims raising no objection to grant of bail to the appellant, the present appellant is not a main accused and the detention period of the appellant 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 appellant executing a personal bond for a sum of **Rs.2,00,000/-** with two sureties of Rs.50,000/- 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

Ruchi