

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRA No. 733 of 2020

Ram Avatar S/o Shyamsundar Kushwaha, Aged About 26 Years R/o Larkoda, P.S. Janakpur, District Koriya Chhattisgarh.

---- Appellant

Versus

State Of C.G. Through Station House Officer, P.S. Janakpur, District Koriya Chhattisgarh

---- Respondent

For Appellant : Mr. Pawan Shrivastava, Advocate.
For Respondent/State : Mr. BP Banjare, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Judgment On Board

29/10/2020

1. 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 23.09.2020 passed by learned Special Judge SC/ST (Prevention of Atrocities) Act, Koriya (Baikunthpur) District Koriya(C.G.) in Special Criminal Case No. 41/2016, whereby the Trial Court has rejected bail application of the appellant preferred under Section 439 of Cr.P.C. which relates to crime number 26/2016, registered at Police Station Janakpur, District Koriya (C.G.) for the offence punishable under Sections 363, 366, 370, 376, 34 of the IPC and Section 3(1-10), 3 (1-12) & 3 (2-5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.
2. According to the case of prosecution, a complaint has been lodged by the complainant alleging therein that she went along with co-accused Archana to village Janakpur for some labour

work where she met the Appellant who is the husband of co-accused Archana, they took the prosecutrix to the house of co-accused Rajesh Patel and Devraj Singh Patel, where they threatened the prosecutrix and performed marriage with co-accused Devraj Singh Patel later on Devraj Singh Patel told to her that she has been sold to him for Rs. 40,000/- by the Appellant and her wife Archana. On the basis of complaint lodged by the prosecutrix, offence has been registered. The Appellant is in custody since 19.08.2016. After investigation, charge-sheet has been filed. The Appellant has preferred an application under Section 439 of Cr.P.C. before the Court of Learned Special Judge SC/ST (Prevention of Atrocities) Act, Koriya(Baikunthpur), District Koriya and the same has been rejected by the learned Judge vide order 23.09.2020 passed in Special Criminal Case No. 41/2016. Hence, this appeal.

3. Learned Counsel appearing on behalf of the Appellant submits that the Appellant is innocent and falsely implicated in the present case. He further submits that the prosecutrix has already examined before the Trial Court and not supported the case of the prosecution with regard to the Appellant. Other co-accused persons namely Archana, Rajesh and Devraj have already granted benefit of regular bail by this Court. The Counsel lastly submits that the Appellant is in custody since 19.08.2016., charge-sheet has already been filed and trial is likely to take some time to conclude. Ignoring all these facts, the Trial Court has rejected the bail application of the Appellant. Hence, it is prayed that the Appellant may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the appeal.
5. I have heard learned Counsel for the parties and perused the material available.

6. 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 fact that the prosecutrix has already examined before the Trial Court and not supported the case of the prosecution with regard to the Appellant. Other co-accused persons have already granted benefit of regular bail by this Court. The Appellant is in custody since 19.08.2016, without further commenting on other merits of the case, I am inclined to release the Appellant on bail.
7. Accordingly, the appeal is allowed. The impugned order is set-aside.
8. 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 Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge