

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 763 of 2020

- Roshan Sahu S/o Shri Rajendra Kumar Sahu Aged About 26 Years
R/o Village Manpur (Tulsi) Police Station Neora, Tehsil Tilda District
Raipur Chhattisgarh. **---- Appellant**

Versus

- State Of Chhattisgarh Through Police Station Of Tilda Neora , Raipur ,
District Raipur Chhattisgarh. **---- Respondent**

For Appellant	: Smt. Aditi Singhvi, Advocate on behalf of Shri Pragalbha Sharma, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

07/12/2020

- 1) This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, R/W 439 of the Code of Criminal Procedure, 1973 is directed against the order dated 29.07.2020 passed by the Special Judge (Atrocities Act), Raipur (C.G.) in Crime No. 138/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Sections 376, 506, 323 of IPC and 3(2)(v) of SC/ST (Prevention of Atrocities Act 1989) registered at Police Station- Tilda-Neora, Raipur (C.G.). The appellant is in jail since 30.04.2020.
- 2) Case of the prosecution in brief is that the prosecutrix, a married lady of 32 years, having two children and the appellant were working in the Poultry Farm. The appellant used to harrase the prosecutrix saying that she has illicit relation with one Suresh Sir of the said Poultry Farm and threatened her of disclosing the said fact to her husband and family, if, she does not allow him to have physical relation with her. On the said threat, the appellant made physical relation with the prosecutrix on 2-3 occassions. Once, the appellant also beat the prosecutrix with hands and

fists, as a result of which, the prosecutrix consumed phenoil, which was kept in the office of the Poultry Farm. The appellant also used to demand money from the prosecutrix on the threat of defaming her by making the video of their physical relations viral. On the report being lodged by the prosecutrix, the aforesaid offence has been registered against the appellant.

- 3) Learned counsel for the appellant submits that the appellant has been falsely implicated in the case. He further submits that prosecutrix is 32 years old married lady and has two children, she narrated different stories in her 164 & 161 CrPC statements recorded before the Magistrate. He next submits that prosecutrix has no objection for grant of bail to the appellant. He further submits that the appellant has no criminal antecedent and the conclusion of the trial is likely to take some time, therefore, the appellant be released on bail.
- 4) On the other hand, learned State counsel opposes the submission of the learned counsel for the appellant, however, he submits that the appellant has no criminal antecedent.
- 5) The prosecutrix alongwith her husband namely Radheshyam Dhruw is present before this Court. Both of them submit that they have no objection if the appellant is released on bail.
- 6) I have heard learned counsel for the parties, considering the facts and circumstances of the case, the manner in which the crime is said to have taken place, the fact that the appellant has no criminal antecedent as admitted by both the counsels and the prosecutrix appearing alongwith her husband would submit that she has no objection for grant of bail to the appellant and that the conclusion of the trial is likely to take some time, without expressing anything on the merit of the case, the appeal is allowed. It is directed that in the event of appellant executing a personal bond for a sum of Rs. 50,000/- with two sureties of Rs. 25,000/- 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 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

Nadim