

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 51 of 2021

- Sugreev Toppo S/o Mansai Aged About 23 Years Caste- Uraon, R/o- Village- Kahirwana, P.S.- Manendragarh, District- Koriya, Chhattisgarh. **---- Appellant**

Versus

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

---- Respondent/State

For appellant	: Shri Pawan Shrivastava, Advocate
For Respondent/State	: Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

16.02.2021

1. This appeal 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 28.08.2020 passed by the Special Judge (SC/ST Act), Koriya Baikunthpur (C.G.) in Crime No. 16/2019 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 363, 370 of IPC and Section 79, 84 Juvenile Justice Act and Section 3 (2) (V), 3(2) (Vक) of the SC/ST Act, registered at Police Station- Manendragarh, District- Koriya (C.G.). The appellant is in jail since 23.08.2019.
2. As per prosecution story, on 11.11.2018, the present appellant alongwith co-accused person namely Rakesh took some minor and major boys of Scheduled Tribes Community for doing labour work. Some boys were shifted to Hyderabad and some of them were shifted to Nasik with Murlidhar Tukaram Durgude for 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 “Bonded Labour”. On report being lodged to the above effect, offence under the aforesaid Sections have been registered against the appellant and other co-accused persons.

3. Learned counsel for the appellant submits that the allegations against the appellant are false and fabricated, he is falsely implicated in the case. The young boys went along with the appellant with the permission of their parents, that the appellant/accused is in jail since 23.08.2019, co-accused person has already granted bail by this Court vide order dated 02.12.2020 in CRA No. 768 of 2020, the trial of the case has been stayed till the next date of hearing vide order dated 08.02.2021 passed in CRR No. 65 of 2021 by the co-ordinate Bench of this Court, Charge-sheet has already been filed, there are 23 witnesses in this case who are yet to be examined by the trial Court and the present appellant has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the minor and major young boys are exploited by the appellant and by other co-accused person. However, the appellant has no criminal antecedents.
5. Guardians of the victims are present in person before this Court, verified by the State counsel and they have unanimously raised no objection to grant of bail to the appellant.
6. Having considered the submission made by learned counsel for the parties, detention period of the appellant, the fact that the guardians of the victims are present in person before this Court and raised no objection to grant of bail to the appellant, the fact that co-accused person has been already granted bail by this Court, trial has been stayed till the next date of hearing by the co-ordinate Bench of this Court, there is no likelihood of the appellant tampering with the evidence or absconding, the

appellant has no criminal antecedents as admitted by both the counsel, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the appeal is allowed.

7. It is directed that in the event of the appellant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of appellant involving himself in similar offence in future.

(Gautam Chourdiya)
Judge

Nadim