

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 36 of 2021**

- Samrendra Rajak S/o Jagarnath Aged About 22 Years R/o Sidhma Police Station Rajpur District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Appellant**Versus**

- State Of Chhattisgarh Through The Police Chowki Bariyon P.S. Rajpur, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Appellant	:	Shri Hari Om Rai, Advocate.
For State	:	Ms. Veena Nair, Dy. A.G.
For Objector	:	Shri Mukul Chaturvedi, Advocate

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

17/02/2021

1. This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 17/11/2020, passed by the Special Judge (SC/ST Act), Balrampur at Ramanujganj(CG), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail in since 20.9.2020 connection with Crime No.186/2020 for the offence punishable under Sections 363, 366, 34 of Indian Penal Code and under Section 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station- Bariyon P.S. Rajpur, District Balrampur-Ramanujganj(C.G).

2. Case of the prosecution is that father of the prosecutrix lodged a report that on 18.9.2020, at about 1.30 in the night, his daughter was not in the house and she wrote the name of the present appellant on the wall of the room. On investigation, it was found that the accused/appellant on the pretext of marriage abducted his daughter from the custody of his lawful guardian. On report to the above effect being lodged, offence under the aforesaid sections was registered against the accused/appellant.
3. Learned counsel for the appellant submits that appellant is an innocent person and has been falsely implicated in this case. He also submits that the prosecutrix is aged about 17 years and that she was a consenting party and she had gone with the appellant on her own will. In these circumstances, *prima facie*, no offence is made out against the appellant. The appellant is in custody since 20.9.2020 and conclusion of the trial is likely to take some time, therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the prayer for grant of bail.
5. Learned counsel for the Objector has raised no objection and stated that the affidavits of the parents of the prosecutrix have been filed in which they have stated that the appellant is innocent and he has been wrongly implicated in the case.
6. Heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the manner in

which the incident is said to have taken place, in particular the prosecutrix is aged about 17 years and the affidavits filed by the parents of the prosecutrix that their daughter had gone to her friend's house and the appellant has been falsely implicated in the case; the detention period of the appellant and that there is no likelihood of the appellant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the 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 and the impugned order is set aside.

8. 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 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

