

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 42 of 2021

- Rohit Yadav @ Jagga, S/o Nandlal Yadav, aged about 22 years, Occupation Labour, R/o Village Rajpurikhurd, P.S. & Tahsil Ambikapur, District Surguja (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Through : the Station House Officer, P.S. Dhourpur, District Surguja (C.G.)

---- Respondent/State

For Appellant	:	Shri Jitendra Shrivastava, Advocate
For Respondent/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J
Judgment on Board

23.02.2021

1. This appeal by the accused/appellant under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 22.12.2020 passed by the Special Judge, (Atrocities), Ambikapur, District Surguja (C.G.) in Bail Application No. 1006/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 15.10.2020 in connection with Crime No. 01/2019 for the offence punishable under Sections 363 & 370 read with Section 34 of IPC and Section 3(2) (v) (a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station-Dhourpur, District Surguja (C.G.).
2. Prosecution case in brief is that the father of the prosecutrix had lodged a missing report of the prosecutrix, based on which F.I.R. was lodged on 02.01.2019. During investigation, it was revealed that co-accused Deepak took the prosecutrix to Delhi from Ambikapur. Allegation against the present

appellant is that he took the prosecutrix to Ambikapur from her village.

3. Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He submits that co-accused Deepak took the prosecutrix to Delhi for working there and thereafter they did not return from Delhi. He further submits that there is no allegation made against the appellant that he took the prosecutrix to Delhi. He also submits that the appellant is in jail since 15.10.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
4. On the other hand, learned counsel for the State opposes the appeal.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the fact that as per 164 Cr.P.C. statement of the prosecutrix, co-accused Deepak took the prosecutrix to Delhi and there is no allegation made against the appellant that he took the prosecutrix to Delhi, the age of the appellant, he is in jail since 15.10.2020, charge-sheet has already been filed, conclusion of the trial is likely to take some time, that there is no apprehension of the appellant tampering with the evidence or absconding and the appellant has no criminal antecedents as admitted by both the counsel, 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.
7. 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.
- 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