

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 62 of 2021**

- Sujeet Patel S/o Akshay Patel Aged About 29 Years R/o Savitripur, P.S.- Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Appellant**Versus**

- The State Of Chhattisgarh Through Police Station- Adivasi Kalyan Thana (Ajak), Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Appellant	:	Shri A.K. Prasad, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, G.A.
For Objector	:	Shri Aman Upadhyay, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Order On Board

08/03/2021

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 1.1.2021 passed in Special Session (Atrocities) Case No.57/2020 by the Special Judge (SC/ST Act). Balrampur at Ramanujganj (CG), refusing to allow his regular bail under Section 439 of the Cr.P.C. The appellant is in jail since 3.11.2020 in connection with Crime No.51/2020, registered at Police Station Ajak, Balrampur, District Balrampur-Ramanujganj(CG) for the offence punishable under Sections 376(2)(n), 313 of the IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution is that on 1.11.2020, the prosecutrix lodged a written report that she met the appellant prior 3 years of lodging of the FIR

and they developed love affair. The appellant on the pretext of marriage committed sexual with her, due to which, she became pregnant for 3 times and the appellant by administering her some tablet, terminated the pregnancy of the prosecutrix.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in the crime in question. He submits that the prosecutrix is a major lady and she is in habit of falsely implicating the innocent persons. Earlier also she has lodged a prosecution against one Priyesh Singh Rajput and his family members in the year 2016 alleging the same story, in which they have been acquitted by the court below. Thereafter, she again lodged report against Priyesh Singh Rajput in the year 2018. He submits that the prosecutrix is not having good relations with her family members and her real sister namely Ganeshi Sidar and her mother have lodged a report against the prosecutrix for the offence under Sections 294, 323, 506, 34 of the IPC. He submits that the prosecutrix has not lodged report earlier, when her pregnancy was terminated and she was a consenting party, therefore, looking to the conduct of the prosecutrix, the appellant may be released on bail.
4. On the other hand, learned counsel for the State as well as learned counsel for the Objector oppose the prayer for grant of bail to the appellant. Learned counsel for the Objector submits that the prosecutrix is carrying pregnancy of 8-9 months and she is going to give birth to the child.
5. I have heard learned counsel for the parties and perused the documents.
6. It is seen from the FIR bearing Crime No. 18/2018 lodged by the prosecutrix at Police Station - Mahila Thana, Ambikapur that earlier she

had lodged a report under Section 354 of the IPC against one Priyesh Singh Rajput which was later compromised. Further, the prosecutrix lodged FIR against the said Priyesh Singh Rajput and his sisters under Crime No.18/2018 for the offence punishable under Section 376(2)(n), 294, 323, 34 of the IPC, Section 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, alleging that Priyesh Singh Rajput on the pretext of marriage committed sexual intercourse with her forcibly and thereafter, refused to marry her and that his sisters abused her filthily in the name of her caste. From the copy of the judgment dated 8.3.2018, passed by the Special Judge, Sarguja in Special Sessions (Atrocities) Case No.8/2017 annexed with this appeal, it is evident that the said accused Priyesh Singh Rajput has been acquitted of all the above charges.

7. Considering the facts and circumstances of the case, the fact that the prosecutrix was in love with the appellant 3 years prior to lodging of the FIR, earlier also she had lodged a report against one Priyesh Singh Rajput in the year 2016 and 2018 on the same allegations in which he was acquitted as mentioned above; sister and mother of the prosecutrix have also lodged report against the prosecutrix for the offence under Sections 294, 323, 506, 34 of the IPC; the prosecutrix has not lodged any report earlier when she became pregnant and her pregnancy was terminated for 2-3 times; she was major at the time of incident; the appellant is in jail since 3.11.2020 and conclusion of trial is likely to take some time, without expressing any opinion on 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 the appellant executing a personal bond

for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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