

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 135 of 2021

1. Niraj Yadav S/o Harishchandra Yadav, Aged About 25 Years R/o Basantpur, Wadrafnagar, Police Station Basantpur, District Balrampur (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Civil Lines, District Bilaspur (C.G.).

---- Respondent

For Appellant : Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

26/03/2021

- 1) This appeal by the accused/appellant under Section **14A** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 18/01/2021 in Bail Application No. 90/2021 passed by the Additional Sessions Judge (F.T.C.), District Bilaspur (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 01/12/2020 in connection with Crime No. 729/2015 for the offence punishable under Sections 376, 506 & 34 of Indian Penal Code and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Civil Lines, District Bilaspur (C.G.).
- 2) Case of the prosecution, in brief is that the prosecutrix lodged a written report on 15/11/2015 at Police Station Civil Lines Bilaspur to the effect that while she was studying in Government Engineering College, Bilaspur where the appellant was also

studying, she had friendship with the appellant in the month of April 2015. In the month of September 2015 the appellant proposed her for marriage and on the pretext of marriage he had physical relation with her. Thereafter, on number of occasions appellant established physical relations with her. However, subsequently the appellant started avoiding her and when the prosecutrix tried to contact him, he threatened her of life.

- 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 the appellant is in jail since 01/12/2020, 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 respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties & perused the case dairy.
- 6) Considering the facts and circumstances of the case, the fact that the prosecutrix and the appellant were studying in the same Engineering College, they were known to each other since April 2015 and were having physical relation since September 2015 on number of occasions whereas the FIR was lodged on 15/11/2015, the detention period of the appellant who is 25 years old, charge sheet has already been filed, and that conclusion of trial is likely to take some time, without commenting anything 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**. 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**

Chandrakant