

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 160 of 2021**

- Ajay Panika, S/o Late Ram Sevak, Aged About 21 Years, By Caste Panika, R/o Paradol Tiraha, Thana Jhagrakhand, District Koriya, Chhattisgarh. **---- Appellant**

Versus

- The State of Chhattisgarh, Through: Police Station Aajak, District- Koriya, Chhattisgarh. **---- Respondent/State**

For Appellant	:	Shri Parag Kotecha, Advocate
For Respondent/State	:	Shri Dinesh Tiwari, Dy.G.A.
For Complainant/Objector	:	Shri Sanjeev Verma, Advocate

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****16.03.2021**

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 21.12.2020 passed by the Special Judge (SC/ST Act), Koriya, Baikunthpur (C.G.) in Crime No. 35/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 306 of IPC and Section 3 (2) (5) of SC and ST Act, registered at Police Station Aajak, District- Koriya (C.G.).
2. Prosecution case is that in the night intervening 19-20.09.2020 the deceased namely Rajani committed suicide. During investigation it was found that the present accused/appellant force the deceased to marry him and eloped with him, when the deceased opposed the same, the accused person used to commit *marpit* with her, harass her and provoke her by saying “*jao mar jao*”. As a result of which, she committed suicide by hanging.
3. Learned counsel for the appellant submits that the appellant has

falsely been implicated in the case, he further submits that the necessary ingredients of Section 107 of IPC are missing, there is long delay in lodging of the FIR and the provisions of SC/ST Act are not applicable in this case. The deceased was more than 16 years of age, the appellant and the deceased were in love affair, merely compelling the deceased for marriage can not be said to be abetment of the deceased for committing suicide. The appellant is an innocent person, he is 21 years old, he has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, he may be granted bail.

4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the deceased committed suicide due to continuous harassment, assault by the present appellant for marrying with him.
5. Counsel for the objector/complainant opposes the bail application and submits that deceased committed suicide because of the persistent harassment and assault by the present appellant, when she refused to marry or elope with him. It is evident from the statement of the Gayatri Singh @ Sima that the present appellant assaulted the deceased at night on 17.09.2020 in village Dubchola when she alongwith Annu, Rajni (deceased) and Nilam were in kitchen, at that point of time, the deceased had revealed that the appellant used to assault her for marriage.

As per statement of the brother of the deceased Prem Singh who received call from the appellant's mobile on 18.09.2020, in the said mobile phone the deceased told her brother that she was assaulted by the appellant for marriage at Bus Stand, thereafter, the brother of the deceased informed about the incident to the other persons.

6. Having considered the submission made by learned counsel for the parties, taking into consideration the material on record, ample evidence available against the present appellant, without expressing anything on merits of the case, I am not inclined to

grant bail to the appellant.

7. Accordingly, the appeal being without any substance is hereby dismissed.

Sd/-
(Gautam Chourdiya)
Judge

Nadim