

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 133 of 2021**

- Sumeet Sinha S/o Late Chandrabhushan Sinha Aged About 31 Years R/o Mo. Jodapipal, Kedarpur Police Station - Ambikapur, District - Surguj Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh ---- **Appellant**

Versus

- State of Chhattisgarh, Through - Police Station - A.Ja.K, Ambikapur District - Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh ---- **Respondent**

For appellant : Mr. Bhupendra Singh, Advocate

For respondent/State : Dr (Ms). Veena Nair, Dy.A.G.

Hon'ble Shri Justice Gautam Chourdiya, J.

Order on Board26-02-2021

1. This appeal has been preferred under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 21-1-2021 (Annexure A/1) passed by learned Special Judge,(Atrocities) Ambikapur, District Surguja in Special Session Case (Atro) No. 4 of 2021, whereby the Special Judge has rejected bail application of the appellant preferred under Section 439 of Cr.P.C. which relates to Crime No. 17 of 2020, registered at Police Station A.Ja.K. Ambikapur, District Surguja for the offence punishable under Sections 376(2)(n) of IPC and Sections 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The case of the prosecution, in brief, is that from 17-9-2016 to 23-11-2020 the appellant on the pretext of marriage committed sexual intercourse with the prosecutrix and later on refused to marry her and performed marriage with some other girl. On the basis of complaint lodged by the complainant, the appellant was arrested.
3. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case. He would further submit that the prosecutrix is a major girl aged about 35 years and she was already married to another person and thereafter prosecutrix and her husband were living separately from 2017. Prosecutrix was having affair with present applicant continuously till the FIR was lodged in the year 2020. When her husband came to know that prosecutrix was having affair with applicant, then FIR was lodged in Police Station after four years. He would further submit that the prosecutrix was a consenting party, she is well grown up lady aged about 35 years, the appellant is in jail since 9-12-2020 and conclusion of the trial may take some time and, therefore, the appellant may be granted bail.
4. On the other hand learned State counsel supports the impugned order.

5. I have heard learned counsel for the parties and perused the record of the trial court.
6. Considering the facts and circumstances of the case, conduct of the prosecutrix, the fact that the prosecutrix is a well grown up lady aged about 35 years, she was already married to another person and thereafter prosecutrix and her husband were living separately, prosecutrix was having affair with appellant since 2016, FIR was lodged after four years for which no explanation has been offered, detention period of the appellant who is in custody since 9-12-2020 and that conclusion of trial is likely to 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.
7. Accordingly, the appeal is allowed and the impugned order dated 21-1-2021 (Annexure A/1) passed by the trial Court is set aside. It is directed that on appellant's 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

Raju