

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 156 of 2021

1. Satyanarayan Singh S/o Shiv Bachan Singh, Aged About 53 Years, R/o Village Simaria, Makrohar, Police Station Manda, District Singrauli Madhya Pradesh.

----Appellant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station AJAK, District Surajpur (C.G.).
2. Jai Singh S/o Late Narayan Singh, Aged About 45 Years, R/o Village Rasoki Choki Moharsop, Police Station Chandani, Surajpur, District Surajpur (C.G.).

---- Respondents

For Appellant : Mr. Ashish Surana, Advocate.

For Respondents/State: Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

09/03/2021

- 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 14/01/2021 in Bail Application No. 16/2021 passed by the Special Judge (Atrocities) Surajpur, District Surajpur (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 23/12/2020 in connection with Crime No. 01/2020 for the offence punishable under Sections 370, 374 of Indian Penal Code and under Sections 3(1)(h) & 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station AJAK, District Surajpur (C.G.).
- 2) Case of the prosecution, in brief, is that on 21/12/2019 son of the

complainant Surajbali Singh with Indrapal Singh and Sonu Basor were enticed by the appellant and other co-accused for getting them work of labour in the bridge construction and took them to Hyderabad. However, on 13/01/2020 while doing the labour work, due to over turning of Tractor loaded with iron rods' son of the complainant Surajbali Singh sustained injuries on his head and neck and died on the spot. On report being lodged to the above effect, offence has been registered against the present appellant.

- 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 has been arrested on 23/12/2020, charge sheet has been filed, 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. She submits that the appellant has one criminal antecedent bearing Crime No. 30/09 for the offence under Sections 325, 323 & 34 of IPC registered at Police Station Kotwali Vaiden, District Singrauli Madhya Pradesh.
- 5) Heard learned counsel for the parties & perused the case dairy.
- 6) Considering the facts and circumstances of the case, the deposition of PW-01 Indrabhan Singh, PW-02 Rakesh Singh who have turned hostile and the deposition of PW-03 Jai Singh, father of the deceased wherein he states that he has no knowledge as to who had taken his son for labour work, the detention period of the appellant who is 53 years, charge sheet has already been filed, and the fact that the appellant has **one** criminal antecedent of the year 2009 for the offence under Section 325, 323, 34 of IPC and there is no apprehension of the appellant tampering with the evidence or absconding as admitted by both the counsel, and that conclusion of trial is likely to take some time and 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 or else this order granting bail to the appellant shall automatically stand cancelled without further reference to the Court.

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the Trial Court in the event of appellant involving himself in similar offence in future.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant