

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 207 of 2021**

1. Santosh Sahu S/o Laxmi Narayan Sahu, Aged About 24 Years  
R/o Khada, Police Station Patna, District Korea (C.G.).

**----Appellant**

**Versus**

1. State Of Chhattisgarh, Through the In-charge Adim Jati Kalyan  
Thana (AJK), Baikunthpur, District Korea (C.G.).

**---- Respondent**

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|----------------------|---|---------------------------------------------|
| For Appellant        | : | Mr. S.S. Rajput, Advocate.                  |
| For Respondent/State | : | Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate. |
| For Objector         | : | Mr. Akhand Pratap Pandey, Advocate.         |

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**Hon'ble Justice Shri Gautam Chourdiya**

**Judgment On Board**

**13/04/2021**

- 1) This appeal by the accused/appellant under Section **14(A)(ii)** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 20/01/2021 passed by the Special Judge, S.C.S.T (Prevention of Atrocities) Act, Baikunthpur, District Korea (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 07/01/2021 in connection with Crime No. 01/2021 for the offence punishable under Section 376(2)(a) of Indian Penal Code and under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Adim Jati Kalyan Thana (AJK), Baikunthpur, District Korea (C.G.).
- 2) Allegation against the present appellant is that he was having forcible sexual intercourse with the prosecutrix, the scheduled tribe widow lady, on pretext of marriage for the last about 4 years prior to lodging of FIR, as a result of which she births a child in

the Month of December 2020. When the prosecutrix asked the appellant to marry her, he refused to marry her. 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 the appellant is in jail since 07/01/2021, 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) Prosecutrix appeared in person on 31/03/2021 before this Court and raised no objection to release of the appellant on bail. Learned Counsel for the Objector raised no objection today to grant of bail to the appellant.
- 6) Heard learned counsel for the parties & perused the case dairy.
- 7) Considering the facts and circumstances of the case, the fact that the prosecutrix is a major widow lady having 3 children, prosecutrix and the appellant having physical relation between them for the last 4 years prior to lodging of FIR, no objection raised by the prosecutrix on the last date of hearing, the detention period of the appellant who is 24 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