

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 147 of 2021

- Ganesh Yadav S/o Bhagwat Yadav Aged About 42 Years R/o Bhawanipur, Out-Post-Ganesh Mod, Police Station- Balrampur, District- Balrampur- Ramanujganj, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through P.S.- Ajak, Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Appellant : Shri Pushkar Sinha, Advocate
For Respondent/State : Shri Dinesh Tiwari, Dy. G.A.
The prosecutrix is present in person and she is identified by her counsel Ms. Nirupama Bajpai, Advocate.

Hon'ble Shri Justice Gautam Chourdiya, J
Judgment On Board

25/02/2021

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 14.1.2021, passed by the Special Judge (SC/ST Act), Balrampur Ramanujganj(CG), whereby the bail application of the applicant filed under Section 439 of Cr.P.C. was rejected. The appellant is in jail since 11.01.2021 in connection with Crime No.57/2020, registered at Police Station AJAK, Balrampur, District Balrampur-Ramanujganj(CG) for the offence punishable under Sections 294, 506, 323, 325, 34 of the IPC and Section 3 (1) (r), 3(2)(v-a) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities Act).

2. Case of the prosecution is that the prosecutrix lodged a report that on 27.12.2020 in the night at about 9.30 pm, when she was watching T.V., the present appellant along with another co-accused came to his house and abused his husband in the name of caste and thereafter they assaulted him with danda and when she tried to intervene, the present appellant also assaulted her on her hand, due to which she received fracture on both forearm bones at radius and ulna.
3. Learned counsel for the appellant submits that the appellant has not committed any offence and he has been falsely implicated in the case. He submits that the appellant and the prosecutrix are neighbours and on account of dispute of the cock going again and again in the field of the appellant, he earlier lodged a report against the family of the prosecutrix, therefore, in order to save from the prosecution, the prosecutrix has lodged a false report against the appellant. He further submits that the co-accused has been released on bail by the trial Court and the appellant is in custody since 11.1.2021 and charge sheet has been filed and there is no apprehension that the appellant will abscond or tamper with the evidence, therefore, the appellant be release on bail.
4. On the other hand, learned counsel for the State opposes the prayer for grant of bail.
5. The prosecutrix present before this Court has also objected and stated that the appellant may not be granted bail.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case and the fact that there was a dispute regarding the cock again and again going

in the field of the prosecutrix and for that a report was lodged by the appellant and thereafter, the prosecutrix has lodged the report regarding assault by the appellant, this court is of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is allowed and the impugned order is set-aside.

8. 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/- 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.
- 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