

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 178 of 2021

1. Nagendra Kumar Gurjar S/o- Ramanuj Aged About 20 Years
2. Mandesh Kumar Gurjar S/o - Late. Sukhnandan Aged About 21 Years
3. Heerachand S/o- Radhesyam Aged About 40 Years
4. Arjun Gurjar S/o- Radheshyam Aged About 30 Years

All R/o- Village- Chhatauli Bijo, P.S.- Ramkola, Tahsil- Odgi,
District- Surajpur, Chhattisgarh., District : Surajpur,
Chhattisgarh **---- Appellants**

Versus

- State of Chhattisgarh, Through - P.S.- Ajak, Surajpur,
District- Surajpur, Chhattisgarh. **---- Respondent**

For Appellants	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Judgment on Board

26.03.2021

1. This appeal by the accused/appellants under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 25.01.2021 passed by the Special Judge, (Atroctiy Act), Surajpur, District Surajpur (C.G.) in Special Case No. 02/2021 refusing to allow their regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 294, 506 (B), 323, 307/34 of IPC and 3 (1) (r) (s), 3 (2-5) of the SC/ST Act, registered at Police Station- Ajak, Surajpur, District- Surajpur. The appellants are in jail since

21.12.2020.

2. Prosecution case in brief is that on 29.02.2020 the present appellants with common intention to grab the forefather's land of the complainant Ravi Pratap Pando, were constructing temporary hut/house, when the complainant reached to the spot the appellants made offensive remarks against his caste and abused him filthily, gave threat of life and assaulted him with hands, fists and club at that point of time victim Heerasay also reached the spot, the accused persons assaulted him with axe, abused him filthily in the name of his caste and gave threat to life, as a result of which, victim Heerasay received injury on his head caused by accused Hirachand Gurjar with sharpe edged axe.
3. Learned counsel for the appellants submits that the allegations against the appellants are false and fabricated. Counsel for the appellants further submits that the appellants/accused are in jail since 21.12.2020 and they have no criminal antecedents, there is no likelihood of the appellants tampering with the prosecution evidence or absconding, charge-sheet has already been filed, counter F.I.R. was also lodged by the appellants against the complainant party on which offence under Sections 294, 506 B, 323, 147, 149 of IPC were registered against them and conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the appellants have no criminal antecedents.

5. Learned State counsel submits that complainant/victim was duly served with the notice and informed about the present proceedings. However, neither the complainant/victim is present in person nor is there any representation on his behalf.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of injuries, detention period of the appellants, the fact that the appellants have no criminal antecedents, there is no likelihood of the appellants tampering with the prosecution evidence or absconding as admitted by both the counsel, charge-sheet has already been filed, conclusion of the trial is likely to take some time, a counter FIR was lodged by the appellant No.4 Arjun Gurjar against the complainant party on the date of incident itself, therefore, without commenting anything on merits of the case, the appeal is allowed.
7. It is directed that in the event of each of the appellants 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, they shall be released on bail on following conditions:-
 - (a) they 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.
 - (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d)they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the appellants shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of appellants involving themselves in similar offence in future.

Registry is directed to sent the charge-sheet bearing Crime No. 1/2020 to the concerned Police Station forthwith.

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim