

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 918 of 2020**

- Prem Kumar Shriwas, aged about 28 years, son of Bhagwat Prasad Shriwas, Caste Nai, R/o. Village Mandragodhi, Police Station Sakti, District- Janjgir- Champa (C.G.).

---- Appellant**Versus**

- State Of Chhattisgarh Through: Collector/District Magistrate, District Janjgir- Champa (C.G.).

---- Respondent

For Appellant	:Mr.Ishwar Jaiswal, Advocate
For Respondent/State	:Mr. Vimlesh Vajpai, G. A.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****13.01.2021**

1. Heard.
2. The appellant has filed the appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 13.10.2020 passed in Crime No. 112/2020 by learned Special Judge (Atrocities Act), Janjgir-Champa District – Janjgir-Champa rejecting his application under Section 439 of the Cr.P.C. The appellant is in jail since 19.07.2020 in connection with offence under Section 376 of IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station –Nagarda, District- Janjgir- Champa (C.G.).
3. The case of the prosecution in brief is that 15 days prior to 18.07.20,

the present appellant promised the prosecutrix to marry her and on 12.07.2020 he took her to his home where he had physical relation with her. The appellant thereafter also had physical relation with the prosecutrix in the village and on 16.07.2020 left her at Baradwar bus stand. On report being lodged by the prosecutrix on 18.07.2020 against the appellant the aforesaid offence has been registered.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in crime in question. It is also submitted that the present appellant and the prosecutrix have solemnized marriage and they are living happily at the appellant's home. It is also submitted that charge sheet has already been filed, disposal of the trial is likely to take some time, therefore, the appellant be released on bail.
5. The prosecutrix alongwith her father is present before this Court and she has not raised any objection to grant of bail to the appellant.
6. On the other hand, learned counsel for the State opposes the submission made by counsels for the appellants and supports the impugned order.
7. Having heard learned counsel for the parties, having considered the facts & circumstances and the statement of the prosecutrix recorded under Section 164 & 161 of Cr.P.C., the age of the prosecutrix i.e. 20 years, the detention period of the appellant, charge sheet has already been filed, the fact that there is no apprehension of the accused/appellant tampering with the evidence or absconding as stated by both the counsels for the parties and that disposal of the trial is likely to take some time, without commenting on merits of the case, I am 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 for the amount 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**

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 158 of 2021**

- Prem Kumar Shriwas, S/o Bhagwat Prasad Shriwas, aged about 28 Years, Caste Nai, R/o Village Mandragodhi, Police Station Sakti, District Janjgir - Champa, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh, Through - Collector / District Magistrate, District Janjgir - Champa, Chhattisgarh.

---- Respondent

For Petitioner	Shri Ishwar Jaiswal, Advocate.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****16/02/2021**

1. Heard on admission.
2. The CRMP is admitted for hearing.
3. With the consent of the parties, the matter is heard finally.
4. The present CRMP under Section 482 of Cr.P.C. has been filed for modification in the order dated 13.01.2021 passed by this Court in CRA No.918 of 2020 where the Crime Number has wrongly been mentioned as 112/2020 whereas the correct Crime Number is 74/2020.
5. Learned counsel for the petitioner submits that due to inadvertence Crime Number was wrongly mentioned as 112/2020 in the appeal filed by him whereas the actual Crime Number is 74/2020 as per the modified order of trial Court passed on 27.01.2021 filed herewith as

Annexure-P-3.

6. The above fact is not disputed by learned counsel for the State.
7. In view of above, the CRMP is allowed. The order dated 13.01.2021 passed by this Court in CRA No.918 of 2020 is hereby modified to the extent that Crime No.112/2020 mentioned in the said order be read as Crime No.74/2020. However, rest of the terms and conditions mentioned in the said order shall remain intact.
8. Accordingly, CRMP stands disposed of.

Sd/-
Gautam Chourdiya
Judge

Akhilesh