

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 197 of 2021

1. Taj Hussain S/o Saheed Husain, Aged About 21 Years R/o SECL Subhash Block, Korba, District Korba (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh Through The Special Police Station AJAK (Wrongly Mentioned As Kotwali In Impugned Order) Korba, District Korba (C.G.).
2. Smt. Manjula Paswan W/o Nand Kishore Paswan, Aged About 35 Years R/o Jhopdipara, Subhash Block, SECL Colony, P.S. Kotwali, District Korba (C.G.).

---- Respondents

For Appellant : Mr. Ashutosh Shukla, Advocate.
For Respondents/State: Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

03/03/2021

- 1) This appeal by the accused/appellant under Section **14(A)** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 25/01/2021 in Bail Application No. 36/2021 passed by the Special Judge (SC/ST Act), Korba, District Korba (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 16/01/2021 in connection with Crime No. 46/2021 for the offence punishable under Sections 294, 323, 506, 354, 34 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 AJAK Korba, District Korba (C.G.).

- 2) Allegation against the appellant is that on the date of incident i.e. 15/01/2021 at about 18:45 hours the appellant was uttering abusive words in drunken condition in front of house of the complainant Nand Kishore Paswan. When the complainant objected to the said act of the appellant, the appellant alongwith two women started committing Marpeet with the complainant. When the wife of the complainant intervened, the appellant also assaulted her, and tore the nighty worn by her with intention to outrage her modesty.
- 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, who is 21 years old young offender, is in jail since 16/01/2021, charge sheet has been filed, conclusion of the trial is likely to take some time. He submits that the appellant has no criminal antecedent. Therefore, the appellant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application. He submits that the appellant has no criminal antecedent.
- 5) Though the prosecutrix has been duly served with the notice as is evident from the service report dated 24/02/2021 submitted by the State counsel, however, neither she is present in person nor is there any representation on her behalf.
- 6) Heard learned counsel for the parties & perused the case dairy.
- 7) Considering the facts and circumstances of the case, the detention period of the appellant who is 21 years old young offender, charge sheet has already been filed, and the fact that the appellant has no criminal antecedent 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.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant