

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 268 of 2021

- Amanuddin Khan, S/o Ikbal Khan, Aged About 19 Years, R/o Gandhinagar, Kashiram Chowk, Thana City Kotwali, District- Raigarh, Present Address Behara Complex, Village Jhinkabahal, Thana- Tamnar, District- Raigarh, Chhattisgarh. ---- **Appellant**

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Tamnar, District- Raigarh, Chhattisgarh.

---- **Respondent/State**

For Appellant	:	Shri Faisal Akhtar, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Judgment on Board

31.03.2021

1. This appeal by the accused/appellant under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 07.01.2021 passed by the Special Judge (SC/ST Act), Raigarh, District- Raigarh (C.G.) in Crime No. 241/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 294, 506, 323, 307 of IPC and Section 3 (1) (r), 3 (1) (s) , 3 (2) (5) of the SC/ST Act, registered at Police Station- Tamnar, District- Raigarh (C.G.). The appellant is in jail since 17.11.2020.
2. Prosecution case is that on 09.07.2020 at night 11.00 pm the complainant Mukesh Sidar alongwith Nityanand Sidar, Virendra Sidar and Pradeep Sidar were going from village Gikabahal to Libra on two motorcycle, on the way, near divider of Behra Petrol Pump one person without giving indicator signal of the

vehicle, without blowing horn suddenly turned right side, as a result of which, the complainant party was about to fall, for this reason the complainant party stopped the appellant near Behra Complex and shouted upon him that he should drive his vehicle properly. On this, the appellant abused them filthily, gave threat to life, assaulted them with iron rod and caused injuries.

3. Learned counsel for the appellant submits that the allegation against the appellant is false and fabricated, the appellant/accused is in jail since 17.11.2020. The appellant promptly lodged report against the complainant party under Section 294, 323, 34 and 506 of I.P.C on 10.07.2020 at about 00.30 Hrs. after that the complainant party lodged report against the present appellant under Section 294, 323 and 506 of I.P.C. on 10.07.2020 at about 12.20 Hrs. The appellant is young offender, charge-sheet has already been filed, he has no criminal antecedents, there is no likelihood of the appellant tampering with the prosecution evidence or absconding and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the appellant has no criminal antecedents.
5. The complainant party are present in person and they have vehemently objected to grant of bail to the appellant.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, detention period of the appellant, who is 19 years old, the fact that counter F.I.R. was also lodged by the appellant against the complainant party, charge-sheet has already been filed, the appellant has no criminal antecedents, there is no likelihood of the appellant tampering with the prosecution evidence or

absconding as admitted by both the counsel and conclusion of trial may take some time, the application is allowed.

7. It is directed that in the event of the 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 following conditions:-

(a) 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.

(b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) he shall not involve himself in any offence of similar nature in future.

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

Sd/-

**(Gautam Chourdiya)
Judge**

Nadim