

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 235 of 2021

1. Angad Patel S/o Shri Manhairam, Patel Aged About 25 Years,
R/o Madan Road Pali, Tahsil Pali, District Korba (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police
Station Pali/S.D.O.P. Katghora, District Korba (C.G.).

---- Respondent

For Appellant : Mr. Dharmesh Shrivastava, Advocate.
For Respondent/State : Mr. Dinesh R.K. Tiwari, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

13/04/2021

- 1) The matter is heard through Video Conferencing.
- 2) This appeal by the accused/appellant under Section **14A** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 08/02/2021 in Bail Application No. 59/2021 passed by the Special Judge (S.C./S.T Act), Korba, District Korba (C.G.), rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 30/01/2021 in connection with Crime No. 32/2021 for the offence punishable under Sections 376 & 417 of Indian Penal Code and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Pali, District Korba (C.G.).
- 3) Allegation against the present appellant is that he was having physical relations with prosecutrix for the last 3-4 years prior to lodging of the FIR on pretext of marriage. Due to this relationship she conceived, he got her aborted by administering her certain

medicines and he got her aborted. On report being lodged to the above effect, offence has been registered against the present appellant.

- 4) 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 is in jail since 30/01/2021, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Prosecutrix present through video conferencing alongwith her Counsel Mr. Shriram Shriwas from District Legal Services Committee, Korba and raised objection to release of the appellant on bail.
- 7) Heard learned counsel for the parties & perused the case dairy.
- 8) Considering the facts and circumstances of the case, the fact that the appellant is a bachelor and not yet married with anyone till date, the appellant and the prosecutrix were having physical relations about 3-4 years prior to lodging of the report, in view of the decision of the *Hon'ble Supreme Court in Maheshwar Tigga versus The State of Jharkhand, (2020) 10 SCC 108* and order passed by the Co-ordinate Bench this Court in the cases of *Devnarayan Yadav versus State of Chhattisgarh in CRA No. 744 of 2020 decided on 11.12.2020* and *Kuldeep Singh versus State of Chhattisgarh in CRA No. 670 of 2020 decided on 03.12.2020*, they had physical relation for a continuous period of 4 years with each other, the prosecutrix is a major girl, the detention period of the appellant who is 25 years old, charge sheet has already been filed, 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, 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