

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 267 of 2021

1. Shashikant Rai S/o Shri Awdhesh Rai, Aged About 47 Years, R/o Plot No. 7, Ganesh Nagar, Risali, Bhilai, Tahsil And District Durg (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Of Police Station AJAK Durg, District Durg (C.G.).

---- Respondent

For Appellant : Mr. T.K. Jha, Advocate.

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

Hon'ble Justice Shri Gautam Chourdiya

Judgment On Board

01/04/2021

- 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 11/02/2021 in Bail Application No. 1333/2021 passed by the Sessions Judge (S.C.S.T. Atrocities Act.), District Durg (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 09/02/2021 in connection with Crime No. 260/2020 for the offence punishable under Sections 147, 294, 506-B of Indian Penal Code and under Section 3(1)(ठ), 3(1)(द) & 3(1)(घ) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station AJAK Durg, District Durg (C.G.).
- 2) Case of the prosecution, in brief is that the appellant alongwith his associates abused the complainant Akhilesh Markandey filthily in the name of his caste and also threatened of life while assaulting him. On report being lodged to the above effect,

offence under the aforesaid section has been registered against the appellant.

- 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 is in jail since 09/02/2021, charge sheet has not been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application submits that the complainant has been duly served with the notice for his appearance before this Court today. He has submitted a copy of the service report, which is taken on record. However, neither the complainant is present in person nor is there any representation on his behalf.
- 5) Heard learned counsel for the parties & perused the case dairy.
- 6) Considering the facts and circumstances of the case, the detention period of the appellant who is 47 years old, charge sheet has not yet been filed, there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel, and that conclusion of trial is likely to take some time due to COVID-19 Pandemic, 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