

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 276 of 2021

1. Prakash Barik S/o Heeralal Barik, Aged About 26 Years, R/o Village Padkipali, Police Station Singhoda, Tahsil Saraipali, District Mahasamund (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Singhoda, District Mahasamund (C.G.).

---- Respondent

For Appellant : Mr Raghavendra Pradhan, Advocate.
For Respondent/State : Mr. Vimlesh Bajpai, 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 14/01/2021 passed by the Special Judge (S.C.S.T.), Mahasamund (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 25/09/2020 in connection with Crime No. 80/2020 for the offence punishable under Sections 457, 376(2)(n) 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 Singhoda, District Mahasamund (C.G.).
- 2) Allegation against the present appellant is that on 24/09/2020 at about 23 hours he committed house trespass in the house of the prosecutrix, a girl of 19 years and committed forcible sexual intercourse with her. 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 25/09/2020, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
- 4) Learned counsel for the State also opposing the submission made by the appellant's counsel submits that the trial Court has rightly rejected the bail application of the appellant and there is no illegality or infirmity in the same warranting interference by this Court.
- 5) Heard learned counsel for the parties & perused the case dairy.
- 6) Prosecutrix alongwith her uncle is present in person and raised objection to grant of bail to the appellant.
- 7) Considering the facts and circumstances of the case, statement of the prosecutrix under Section 164 of Cr.P.C. and diary statements of other witnesses, the fact that prior to this incident one criminal case No. H 01/2019, for offence under Section 363, 366, 376(2)(n) of Indian Penal Code and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 5(1) read with Section 6 of POCSO Act was also registered against the appellant for abducting the prosecutrix while she was minor and committed repeated sexual intercourse with her which is still pending, without commenting anything on merits of the case, this Court finds no illegality or perversity in the order impugned of the trial Court rejecting the bail application of the appellant.
- 8) In the result, the appeal being without any substance is liable to be dismissed and is, accordingly **dismissed**.

-Sd/-
(Gautam Chourdiya)
Judge