

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 316 of 2021**

Aman Mahant S/o Shri Kanwal Das, aged about 18 years, R/o Village: Pipara, Police Station: Nawagarh, Civil & Revenue District: Janjgir-Champa (C.G.)

---- Appellant

Versus

State of Chhattisgarh through The District Magistrate Janjgir, Civil & Revenue District: Janjgir-Champa, Chhattisgarh

---- Respondent

For Appellant	: Mr. Paras Mani Shriwas, Advocate.
For Respondent/State	: Mr. Dinesh Tiwari, Dy. G.A.
For Objector	: Mr. Rahul Mishra, Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Judgment On Board

06.04.2021

1. This appeal has been preferred under Section 14(A)(ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against impugned order dated 26.02.2021 passed by learned Special Judge (Atrocities), Janjgir-Champa (C.G.) in Bail Application No.136/2021, whereby the Trial Court has rejected regular bail application of the appellant preferred under Section 439 of Cr.P.C. which relates to Crime Number: 56/2021, registered at Police Station: Nawagarh, District: Janjgir-Champa (C.G.) for the offence punishable under Section 294, 506, 323, 307/34 of IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. According to the case of prosecution, on 26.01.2021, some dispute took place amongst the Appellant and the victim Vijay Baghel due to the horn of their vehicles. Both the parties assaulted each other. On

the basis of said, offence has been registered. During course of investigation, on 05.02.2021, the Appellant was arrested. Thereafter, the Appellant filed an application under Section 439 of Cr.P.C. before learned Special Judge (Atrocities) Janjgir-Champa (C.G.) and the said has been rejected by the learned Special Judge vide order dated 26.02.2021. Hence, this appeal.

3. Learned Counsel appearing on behalf of the appellant submits that the appellant is innocent and falsely implicated in the present case. He submits that only because of the horn of their vehicles dispute took place between the parties. He submits that the Appellant is in jail since 05.02.2021, charge-sheet has not been filed and trial will take some time, therefore, it is prayed that the Appellant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the appeal.
5. Victim of this case namely Vijay Baghel is present before this Court today along with his counsel Rahul Mishra, Advocate and he submitted that he has no objection in granting bail to the present Appellant.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, particularly considering that victim sustained only one single wound also the fact that the victim has no objection to release the present Appellant on bail and also looking to the FIR lodged by the present Appellant against the complainant Vijay Baghel further considering the age of the Appellant i.e. 18 years, also considering that he is in jail since

05.02.2021, he has no criminal antecedents, charge-sheet has not been filed and trial will take more time, without further commenting on other merits of the case, I am inclined to release the appellant on bail.

8. Accordingly, the appeal is allowed. The impugned order is set-aside.

9. It is directed that the Appellant shall be released on bail on 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 or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

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

Sd/-
(Gautam Chourdiya)
Judge