

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 334 of 2021**

Jhhadi Ram Yadav S/o Late Shri Bishambhar Yadav, aged about 24 years,
(Age Is Not Mention In The Impugned Order) R/o Vill. Kutela, Police Station-
Arang, District : Raipur, Chhattisgarh

---- Appellant**Versus**

State of Chhattisgarh Through P.S: Arang, District : Raipur, Chhattisgarh

---- Respondent

For Appellant	: Mr. Keshav Dewagan, Advocate.
For Respondent/State	: Mr. Dinesh Tiwari, Dy. G.A.

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 02.03.2021 passed by learned Special Judge (Atrocities), Raipur, District: Raipur (C.G.) 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: 111/2021, registered at Police Station: Arang, District: Raipur (C.G.) for the offence punishable under Section 451, 354 of IPC and Section 3 (1) (b) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. According to the case of prosecution, on 20.02.2021, at around 01:30 P.M. when the prosecutrix was alone in her house, the present Appellant came to her house and started to quarrel with her thereafter he also tried to outrage her modesty due to which prosecutrix shouted

for help and thereafter the Appellant ran away from the spot. On the basis of said, offence has been registered. During course of investigation, on 26.02.2021, the Appellant was arrested. Thereafter, the Appellant filed an application under Section 439 of Cr.P.C. before learned Special Judge (Atrocities) Raipur (C.G.) and the said has been rejected by the learned Special Judge vide order dated 02.03.2021. 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 the Appellant is in jail since 26.02.2021, 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. Prosecutrix is present before this Court today. On being asked, she has objected the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, particularly considering the age of the Appellant i.e. 24 years, also considering that he is in jail since 26.02.2021, 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.

2. 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