

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 389 of 2021**

- Amit Kumar Dixit, S/o Lalji @ Arun Dixit, aged about 23 Years, R/o Sadikamau, P.S- Shivrajpur, District- Kanpur, Uttar Pradesh.

----Appellant**Versus**

- The State of Chhattisgarh, Through Police Station- Tapkara, District- Jashpur, Chhattisgarh.

---- Respondent

For Appellant	Shri A.K. Prasad, Advocate.
For State	Shri Dinesh Tiwari, Deputy G.A.
For Objector	Shri Sumit Singh Rathore, Advocate.

Hon'ble Shri Justice 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 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is directed against the order dated 05.01.2021 passed by the Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Jashpur, District Jashpur, C.G., refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 26.11.2020 in connection with Crime No.32/2020 for the offence punishable under Sections 365, 370, 366, 376, 506/34 of Indian Penal Code and Sections 3(1)(ब)(i), 3(1)(ज) & 3(2)(v) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station- Tapkara, Jashpur, C.G.

3. Case of the prosecution, in brief, is that one Smt. Chandni Korwa, who is the aunt of the prosecutrix, allured the prosecutrix to go with her for better employment to Kanpur. On 26.01.2020, prosecutrix along with her Aunt and Vishal Dubey, who is the husband of the Smt. Chandni Korwa, took the prosecutrix to Kanpur and where they fixed the marriage of prosecutrix with Ravi Dixit in lieu of Rs.60,000/- and received Rs.10,000/- from co-accused Ravi Dixit and Amit Kumar Dixit. Thereafter, in the month of January, 2020, co-accused Ravi Kumar Dixit committed forcible sexual intercourse with her on number of occasions and threatened her not to disclose the incident to anyone. On 22.10.2020, Chandni Bai, Vishal Dubey and present applicant forcibly married the prosecutrix to Ravi Dixit. On report to the above effect being lodged by the prosecutrix, offence under the aforesaid sections were registered against the appellant.
4. Learned counsel for the appellant submits that appellant is an innocent person and has been falsely implicated in this case. He also submits that allegation against the appellant is false and fabricated. He further submits that no such act as alleged has been committed by the appellant which is evident from the statement of the prosecutrix recorded under Section 164 Cr.P.C. The prosecutrix is a major girl of 20 years and had gone to Kanpur with her own will. Appellant is in custody since

26.11.2020 and conclusion of the trial is likely to take some time.

Therefore, he may be released on bail.

5. Counsel for the Objector submits that prosecutrix has no objection to release of the appellant on bail.
6. Learned counsel for the State opposes the bail application.
7. Heard learned counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, in particular no objection on behalf of the prosecutrix to grant bail to the appellant, further considering the statement of prosecutrix, a major girl of 20 years, under Section 164 Cr.P.C. where no allegation made by her against the present appellant, the detention period of the appellant, who is 23 years old, charge sheet has already been filed, and the fact that the appellant has no criminal antecedent and there is no likelihood of the appellant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the 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

Akhilesh