

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceeding through Video Conferencing)

Criminal Appeal No. 453 of 2021

- Kallu Rayakwar @ Santosh Rayakwar son of Ajuddin Rayakwar, aged about 25 years, Caste-Rayakwar, resident of Bamnaura, Police Station-Bamnaura, Tahsil-Badamlahra, District Chhatarpur (M.P.)

---- Appellant

Versus

- State of Chhattisgarh, Through: the Station House Officer, Police Station, Kansabel, District Jashpur (C.G.)

---- State/Respondent

And

Criminal Appeal No. 539 of 2021

1. Deshraj Kushwaha son of Hariram, aged about 28 years, Caste-Kushwaha, resident of Mandaura Rangaon, Police Station-Mandaura, Tahsil-Lalitpur, District-Lalitpur (U.P.)
2. Mardan Munna son of Somna, aged about 40 years, Caste-Kushwaha, resident of Sirom, Police Station-Mandaura, Tahsil Lalitpur, District Lalitpur (U.P.)
3. Santosh Kushwaha son of Tula Kushwaha, aged about 45 years, Caste-Kushwaha, resident of Khiriy, Police Station- Banpur, Choki-Kachnauda, Tahsil- Lalitpur, District Lalitpur (U.P.)
4. Babloo Kushwaha son of Santosh Kushwaha, aged about 22 years, Caste-Kushwaha, resident of Khirya, Police Station-Banpur, Chowki-Kachnauda, Tahsil-Lalitpur, District-Lalitpur (U.P.)

---- Appellants

Versus

- State of Chhattisgarh, Through : the Station House Officer, Police Station, Kansabel, District-Jashpur (C.G.)

---- State/Respondent

For Appellants	:	Shri Sanjeev Kumar Sahu, Advocate
For Respondent/State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Judgment on Board

05.08.2021

1. As above both the appeals by the respective accused/appellant(s) under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention

of Atrocities) Act, 1989 are directed against the different orders dated 18.03.2021 & 06.05.2021 passed by the Special Judge, constituted under Section 14 of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989, in Special Case No. 16/2021, rejecting their regular bail applications under Section 439 Cr.P.C., they are being disposed of by this common order.

2. The above appellants are in jail since 06.02.2021 in connection with Crime No. 53/2020 for the offence punishable under Sections 386, 364(A), 370, 34 & 341 of IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered in Police Station Kansabel, District Jashpur (C.G.).
3. As per prosecution case, the accused person including the present above appellants have abducted the prosecutrix and Vikram Sai. Accused/appellants took the prosecutrix and Vikram Sai at Chhatarppur (M.P.) and pressurized them for bringing money from their parents. It is further alleged that the accused persons have sold the prosecutrix to Santosh Kushwaha for marry with Babloo Kushwaha (son of Santosh Kushwaha). It is further alleged that on 10.09.2020, the prosecutrix has committed suicide in the house of Babloo Kushwaha. On report being lodged to the above effect, offence under the aforesaid sections as mentioned in para-2 has been registered against the present appellants.
4. Learned counsel for the appellants submits that the appellants are the innocent persons and have been falsely implicated in this case. He submits that the appellants are in jail since 06.02.2021, charge-sheet has been filed and conclusion of the trial is likely to take some time, therefore, the appellants may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail.
6. I have heard learned counsel for the parties.

7. Considering the facts and circumstances of the case, considering the allegation made against all the appellants, they alongwith other co-accused persons involved in human trafficking and they were selling the prosecutrix who is a tribal lady, the fact that charges have been framed against the appellants, without commenting anything on merits of the case, this Court is not inclined to release the appellant on bail. The orders impugned of the trial Court rejecting the appellants' bail applications do not suffer from any illegality or perversity. Accordingly, the present appeals being without any substance are hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge