

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****Criminal Appeal No. 432 of 2021**

1. Basant Baghel S/o Ramchand Baghel, by Caste : Bhatra, aged about 24 years,
 2. Sanjay Durgam S/o Mahesh Durgam by Caste : Bhatra, aged about 20 years,
 3. Sandeep Gupta, S/o Lallu Ram Gupta, By Caste : Bhunj, aged about 32 years,
- All are R/o Village: Kirandul, District Dantewada (C.G.)

---- Appellants**Versus**

- State of Chhattisgarh, Through: Station House Officer, Police Station : Keshkal, District : Kongagaon (C.G.)

----State/Respondent

For Appellants	:	Smt. Madhunisha Singh, Advocate
For Respondent /State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****06.08.2021**

1. This appeal by the accused/appellant under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 02.02.2021 passed by the Special Judge SCST(PA) Act, District Kondagaon (C.G.), rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 03.10.2020 in connection with Crime No. 98/2020 for the offence punishable under Sections 365, 506 & 376 (g) of IPC and Sections 3 (2) (v) & 3 (2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Keshkal, District Kondagaon (C.G.).
2. Prosecution case is that on 01.10.2020 at about 11:10 am, the prosecutrix was standing on National Highway-30 for waiting bus, at about 12:00 noon one truck came there and she indicated to stop the truck and requested the driver to drop her in Kondagaon bus-stand and the prosecutrix sat in the

truck. In the said truck there were three persons including the driver. But, the said truck was not stopped by the driver at Kondagaon bus-stand and he took the truck towards Keshkal forest where the above three persons threatened her to life and committed forcible sexual intercourse with her one after another.

3. Learned counsel for the appellants submits that the appellants have been falsely implicated in this crime, there was no test identification parade conducted by the police. She submits that the appellants are in jail since 03.10.2020 and due to Covid-19, conclusion of the trial is likely to take some time, therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail.
5. Considering the facts and circumstances of the case, looking to the allegation made against the present appellants that they committed forcible sexual intercourse against the prosecutrix one after another, without commenting anything on merits of the case, this Court is not inclined to release the appellants on bail. The order impugned of the trial Court rejecting the appellants' bail application does not suffer from any illegality or perversity. Accordingly, the present appeal being without any substance is hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge