

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

Criminal Appeal No. 496 of 2021

- Jitanu @ Jitendra Prajapati, son of Rameshwar Prajapati, aged about 18 years, resident of Baba Chowk, Ward No. 02, Kusmi, P.S. Kusmi, District Balrampur-Ramanujganj (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Through : Station House Officer, Police Station Kusmi, District Balrampur-Ramanujganj (C.G.)

---- Respondent/State

For Appellant	:	Ms. Sangeeta Soni, Advocate
For Respondent/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

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

28.06.2021

1. This appeal by the accused/appellant under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 15.03.2021 passed by the Special Judge, (SC/ST Act), Balrampur place Ramanujganj (C.G.) in Special Sessions Case (Atrocities) No. 13/2021, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 18.01.2021 in connection with Crime No. 06/2021 for the offence punishable under Sections 294, 506, 323 & 325 of IPC and Sections 3 (1) (r) (s) & 3(2) (v) (a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Kusmi, District Balrampur-Ramanujganj (C.G.).
2. Prosecution case in brief is that complainant Satish Sonwani has made compliant in Police Station Kusmi alleging that the appellant has assaulted him by wooden stick, as a result of which, he received injury on his left

elbow. It is also alleged that when the appellant was assaulting the complainant, he was abusing him filthily. On the basis of said complaint made by the complainant, offence under 294, 506, 323 & 325 of IPC and Sections 3 (1) (r) (s) & 3(2) (v) (a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered against the appellant.

3. Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. She also submits that the appellant is in jail since 18.01.2021, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
4. On the other hand, learned counsel for the State opposes the appeal. She submits that the complainant/victim was informed regarding hearing of the appeal, but, neither the complainant is present nor is there any representation on behalf of him.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, considering the age of the appellant who is 18 years, he is in jail since 18.01.2021, charge-sheet has already been filed, conclusion of the trial is likely to take some time, that all the offences under IPC except offence under the SC & ST Act are bailable, there is no apprehension of the appellant tampering with the evidence or absconding and the appellant has no criminal antecedents as admitted by both the counsel, 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 and the impugned order is set aside.
7. 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.
- 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.
- v. He shall strictly follow the Covid-19 protocol issued by the Central Govt./State Govt./Local Authority.

Sd/-
(Gautam Chourdiya)
Judge