

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 474 of 2021

1. Mukesh Kumar Sahu/Telasi S/o Shri Surendra Lal Sahu, Aged About 40 Years, R/o Housing Board Colony, Boriakala, Raipur, District Raipur (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh, Through Station House Officer, P.S. Mujgahan, District Raipur (C.G.).

---- Respondent

For Appellant	:	Mr. Anoop Majumdar, Advocate.
For Respondent/State	:	Dr. (Ms.) Veena Nair, Dy. Advocate General.
For Objector:	:	Mr. Sunny Agrawal, Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

02/07/2021

- 1) This appeal by the accused/appellant under Section **14(A)** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 30/03/2021 in Special S.T. No. 13/2021 passed by the Special Judge (Atrocities), Raipur (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 22/03/2021 in connection with Crime No. 228/2020 for the offence punishable under Section 294, 506/34, 324 of Indian Penal Code and under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Mujgahan, District Raipur (C.G.).
- 2) As per prosecution case on 18/12/2020 at around 10:15 AM there was some dispute between the appellant and the complainant Santosh Kumar over construction of house. During this process the appellant alongwith other co-accused persons

assaulted the complainant party and also threatened them of life. The appellant allegedly cut the finger of left hand of the complainant by biting.

- 3) Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He submits that the appellant is in jail since 30/03/2021, 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 respondent/State as well as Objector opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the nature of allegation against the appellant, the fact that the dispute arose over trivial issue, both the complainant and the appellant are neighbours, the detention period of the appellant who is 40 years old, charge sheet has been filed, the fact that appellant has no criminal antecedents and there is no apprehension of the appellant tampering with the evidence or absconding as admitted by both the counsel, all the offences are bailable except Section 324 of IPC & Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and that conclusion of trial is likely to take some time due to COVID-19 Pandemic, without commenting anything on 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,
- 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 strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. he shall not involve himself in any offence of similar nature in future,

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of appellant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant