

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****Cr.A. No. 495 of 2021**

Ankit Bari S/o Mahendra Kishore Bari, Aged 25 years R/o Near Shriram Hospital, Brahma Road, Kotwali, Ambikapur, District Sarguja (C.G.)

---- Appellant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station Adim Jati Kalyan (AJK), Ambikapur, District Sarguja (C.G.)

---- State/Non-Applicant

For Appellant : Shri Sushil Dubey, Advocate

For State : Shri K.K. Singh, Govt. Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****23/07/2021**

1. Heard.
2. This appeal under Section 14-A(2) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, has been filed by the appellant against the order dated 31/03/2021 passed by the Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, District Sarguja (C.G.), refusing to allow the bail application filed under Section 439 of the Cr.P.C.
3. The appellant has been arrested in connection with Crime No. 04/2021 registered at Police Station Adim Jati Kalyan (AJK), Ambikapur, District Sarguja (C.G.) for the offence punishable under Sections 376 (2) (n) of the IPC and Section 3 (2) (v) of Scheduled caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.
4. The case of the prosecution, in brief, is that on 04/09/2020 that the appellant took the prosecutrix with him in a room of his friend, where he, on the false pretext of marriage, made physical relationship with the prosecutrix.

Thereafter, the appellant took a house on rent and started to live with the prosecutrix there. The appellant, on various occasions, made physical relationship with the prosecutrix and exploited her sexually, and ultimately refuse to marry with her. On the basis of complaint made by the prosecutrix, FIR has been lodged against the appellant.

5. Learned counsel for the appellant submits that the appellant has been falsely implicated in the crime in question. The prosecutrix has lodged similar type of complaint against one Nitin, which shows the conduct of the prosecutrix. He further submits that the appellant is in jail since 07/03/2021, there is no likelihood of the appellant tampering with the prosecution evidence or absconding and due to Covid-19 trial is likely to take some time for its final disposal, therefore, the appellant be released on bail.
6. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.
7. Notice issued to the Prosecutrix has been served upon her. The Prosecutrix has appeared before this Court along with his counsel Shri Randhir Trivedi through DLSA, Ambikapur. She has objection in grant of bail to the applicant.
8. I have heard learned counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, particularly looking to the facts that the prosecutrix is a major girl, she was in continuous physical relationship with the appellant from 04/09/2020 to 18/02/2021, she has visited many places with the appellant where also she made physical relationship with the appellant and she has lodged similar type of complaint against one Nitin Chandrapal i.e. Crime No. 11/2019, Police Station Gandhi Nagar and further looking to the facts that the appellant is in jail since 07/03/2021, there is no likelihood of the appellant tampering with the prosecution evidence or absconding and due to covid-19 pandemic,

conclusion of trial may take some time, without commenting anything on merits of the case, this appeal is allowed.

10. It is directed that in the event of appellant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail, on 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/her 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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- v. he shall not involve himself in any offence of similar nature in future.

11. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

rahul