

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

CRA No. 524 of 2021

- Sunil Namdev, S/o Late Shri Narmada Prasad Namdev, Aged About 45 Years, R/o Anand Vatika, V.I.P. Road Mana Camp, Raipur, District- Raipur, Chhattisgarh. ---- **Appellant**

Versus

- State of Chhattisgarh, Through- Station House Officer Mana Camp Raipur, District- Raipur, Chhattisgarh. ---- **Respondent**

For Appellant	:	Shri Kishore Bhaduri, Senior Advocate and Shri Surfaraj Khan, Advocate
For Respondent/State	:	Shri Sunil Otwani, Additional Advocate General
For Objector	:	Shri Kashif Shakeel, Advocate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05.07.2021

- 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 24.04.2021 passed by the learned Special Judge, SC/ST Act, Raipur (C.G.) in Crime No. 46/2021 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 186, 189, 294, 353, 506 of IPC and Section 3 (1) (r) of SC/ST Act, registered at Police Station- Mana Camp, Raipur, District- Raipur (C.G.). The appellant is in jail since 21.03.2021.
- 2) Case of the prosecution, in brief, is that on 20.03.2021 when the complainant/victim Station House Officer-Mana Camp, Durgesh Rawte, who is member of Scheduled Tribes, in connection with crime No. 45/2021, went to the house of the present appellant for

his arrest, the family members of the appellant told the police party that the appellant is not present at home, thereafter police party entered the house with relatives of the appellant, on this, the present appellant got enraged, commented filthy remarks against the SHO- Durgesh Rawte on his caste, caught hold his police uniform collar, threatened him of getting dismissed from service and also had a scuffle with him, thereby caused hindrance in the discharge of official duties by the complainant/victim.

- 3) Learned counsel for the appellant submits that the appellant has been falsely implicated in the crime in question, he further submits that the charge-sheet has been filed, the appellant has been arrested on 21.03.2021, it is further submitted that some other FIR lodged against the present appellant, 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 by this Court.
- 4) On the other hand, learned counsel for the State and Objector unanimously vehemently oppose the appeal filed by the appellant. The State counsel further submits that there are some other criminal antecedent of the appellant.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the charge-sheet has already been filed, the detention period of the applicant, who is 45 years old, though the appellant has some other criminal antecedent but State counsel submits that there is no likelihood of the appellant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to Covid-19 pandemic conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) It is directed that in the event of the 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 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.

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

Nadim