

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceeding through Video Conferencing)

Criminal Appeal No. 522 of 2021

1. Ramgopal Verma S/o Sakharam, aged about 69 years
2. Rakesh Sahu S/o Jaleshwar Sahu, (wrongly mentioned as Jaleshleshwar in impugned order), aged about 33 years

Both resident of Village Junwani, Police Station Pathariya, District Mungeli (C.G.)

---- Appellants

Versus

- State of Chhattisgarh, Through : Police Station – Thana Ajak, Mungeli, District - Mungeli (C.G.)

---- Respondent/State

For Appellants	:	Shri Rajeev Shrivastava, Senior Advocate with Shri Hemant Kesharwani, Advocate
For Respondent/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment on Board

04.08.2021

1. This appeal by the accused/appellants under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 04.05.2021 passed by the Special Judge, SC/ST (Prevention of Atrocities), Act, 1989, Mungeli (C.G.) in Bail Application No. 134/2021, rejecting their regular bail under Section 439 Cr.P.C. The appellants are in jail since 23.04.2021 in connection with Crime No. 76/2021 for the offence punishable under Sections 186, 353, 332, 294, 506-B, 323, 269, 188, 270, 147 & 148 of IPC; Section 3 of Epidemic Diseases Act and Sections 3(1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station- Thana Ajak, Mungeli, District - Mungeli (C.G.).
2. Prosecution story in brief is that the Collector Mungeli declared lockdown from 20.04.2021 to 26.04.2021. Pursuant to the order of Collector, complainant Punanand Dhruw, Constable, was rendering his duty at Village

Junwani Check Post. On 23.04.2021 at about 12:30 pm, the present applicants alongwith six other co-accused assaulted the complainant and abused him by caste. The F.I.R. was registered under the aforementioned Sections mentioned in para-1 of this order against the present applicants and other co-accused persons.

3. Learned counsel for the appellants submits that the appellants have been falsely implicated in this case, they were never violated the conditions of lockdown. He further submits that the complainant demanded money from co-accused Bharatlal Sahu, then he (co-accused) raised objection and the dispute arose between complainant and the co-accused including the present appellants & other co-accused persons. He also submits that the appellants have no criminal antecedents, the appellants is in jail since 23.04.2021, charge-sheet has been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the appellants be released on bail.
4. On the other hand, learned counsel for the State opposes the appeal and submits that notice has been served upon the complainant, but neither the complainant is present nor is there any representation on his behalf.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, considering the age of the appellants who are 69 & 33 years, they are in jail since 23.04.2021, charge-sheet has already been filed, conclusion of the trial is likely to take some time, the fact that there is no apprehension of the appellants tampering with the evidence or absconding and the appellants have 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 appellants. Accordingly, the appeal is allowed and the impugned order is set aside.

7. It is directed that in the event of each of the appellants 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, they shall be released on bail on the following conditions:-

- i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial.
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- iv. they shall not involve themselves in any offence of similar nature in future.
- v. they shall strictly follow the Covid-19 protocol issued by the Central Govt./State Govt./Local Authority.

Sd/-
(Gautam Chourdiya)
Judge