

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

Criminal Appeal No. 523 of 2021

- Nisar Ahmed @ Nisar Mohammad @ Ata Mohammad, S/o- Zahur Ahmed, Aged 39 years, R/o Delhupur Puraila, P.S. - Mandhata, District Pratapgarh (U.P.) Presently Residing at House No.-114 Ward No.-33, Mannu Chowk, Tikrapara, Police Station- Kotwali, District - Bilaspur (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Through : Station House Officer – AJAK, Korba, District- Korba (C.G.)

---- Respondent/State

For Appellant	:	Ms. Deblina Maity, Advocate
For Respondent/State	:	Shri K.K. Singh, Government Advocate

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

09.07.2021

1. This appeal by the accused/appellant under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 11.02.2021 passed by the Special Judge (SC/ST Act), Korba, District Korba (C.G.) in Special Case (STSC) No. 38/2020, rejecting to allow his second regular bail under Section 439 Cr.P.C. The appellant is in jail since 12.11.2020 in connection with Crime No. 27/2018 for the offence punishable under Sections 452, 354, 354 (A) & 323 of IPC and Section 3 (1) (w), 3 (2) (v) (a) & 3 (2) (v) (a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- AJAK Korba, District Korba (C.G.).
2. Prosecution case in brief is that the prosecutrix/complainant lodged a report in police station to the effect that the applicant tried to outrage her modesty and also assaulted her by fists as a result of which she sustained injuries.

On the basis of said report lodged by the complainant, aforesaid offences under Sections of the IPC and Section of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 were 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 12.11.2020 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.
5. Prosecutrix/complainant appeared through video conferencing alongwith Shri K.K. Singh, Government Advocate in person and she has objection to grant of bail to the appellant by this Court.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, particularly considering the age of the appellant who is 39 years, he is in jail since 12.11.2020, conclusion of the trial is likely to take some time 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.
8. 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