

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Appeal No. 549 of 2021**

- Satyesh S/o Ramkishun aged about 30 years, Caste- Panika, R/o Village-Biharpur, P.S. - Chandani, Tahsil – Odgi, District - Surajpur (C.G.)

---- Appellant

**Versus**

- State of Chhattisgarh, Through: Arakshi Kendra Chandani, District Surajpur (C.G.)

----State/Respondent

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For Appellant : Shri Gyan Prakash Shukla, Advocate

For Respondent /State : Shri Adil Minhaz, Government Advocate

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**Hon'ble Shri Justice Gautam Chourdiya, J****Judgment on Board****28.09.2021**

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 22.02.2021 passed by the Special Judge (Atrocities), Surajpur, District Surajpur C.G.) in Bail Application No. 66/2021, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 31.08.2021 in connection with Crime No. 24/2020 registered at Police Station- AJAK, District Surajpur, C.G. (previously registered as Cr.No. 24/2020 in Police Station Chandani) for the offence punishable under Sections 341, 376, 506 (B) of IPC and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per prosecution case, the prosecutrix lodged a report that on 14.06.2020 at 12:00 noon she went to another house near Khodwabahar with rice and pulses for her husband, after giving the said rice and pulses, she was coming back home through the forest, on the way, the appellant was also going to forest for bringing wood, he saw the prosecutrix, dragged her inside the forest and committed forcible sexual intercourse with her. Thereafter, the appellant threatened her that if she disclosed the incident to anyone, he would kill her with knife.
3. Learned counsel for the appellant submits that the appellant has been

falsely implicated in this crime. He submits that the investigating authority has not collected any material evidence against the appellant and there is so many discrepancies in the police investigation. He also submits that the appellant is in jail since 31.08.2021 and conclusion of the trial is likely to take some time, therefore, the appellant may be released on bail.

4. On the other hand, learned counsel for the State opposes the appeal.
5. On the last date of hearing i.e. 03.08.2021 prosecutrix was connected through video conferencing from District Legal Services Authority, Ambikapur and she had raised objection to grant of bail to the appellant by this Court.
6. Considering the facts and circumstances of the case, considering 161 Cr.P.C. & 164 Cr.P.C. statements of the prosecutrix, trial is in progress as out of 12 witnesses, 03 witnesses have been examined and in near future case is likely to be disposed of by the trial Court, the evidence so far recorded before the trial Court cannot be appreciated at this stage by this Court, that the nature of allegation made against the applicant, there is no previous enmity between the prosecutrix and the appellant, nor any reason to falsely implicate the appellant, age of the prosecutrix, she informed her daughter Shivkumari and thereafter she lodged the report on 15.06.2020, and that on 03.08.2021 the prosecutrix appeared through video conferencing from District Legal Services Authority, Ambikapur and had raised objection to grant of bail to the appellant by this Court, without commenting anything on merits of the case, this Court is not inclined to release the appellant on bail. The order impugned of the trial Court rejecting the appellant's bail application does not suffer from any illegality or perversity. Accordingly, the present appeal being without any substance is hereby dismissed.

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