

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 669 of 2021**

- Ishwar Sahu S/o Shri Dahru Sahu Aged about 23 years, R/o Village-Beltukari, Police Station : Tumgaon, District Mahasamund (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station – Tumgaon, District Mahasamund (C.G.)

----State/Respondent

For Appellant : Smt. Smita Jha, Advocate

For Respondent /State : Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****21.09.2021**

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 09.07.2020 passed by the Special Judge, (SC/ST, Prevention of Atrocities Act), Mahasamund, District Mahasamund (C.G.) in Bail Application No. 458/2020, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 10.02.2020 in connection with Crime No. 20/2020 for the offence punishable under Sections 302 & 201 of IPC and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Tumgaon, District Mahasamund (C.G.).
2. Prosecution case is that on 09.02.2020 a merg intimation was lodged by brother of the deceased namely Mohit Dhruw that the dead body of his brother namely Rohit Dhruw was lying at border of fishery pond of Beltukri Khar. There were injuries on the forehead, above the right eye on the dead body of the deceased and there was also mark of pressing over neck. On the basis of merg intimation, offence was registered against the unknown person. During investigation, the present appellant was arrested for the

aforesaid crime in question.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in this crime. She submits that the appellant is in jail since 10.02.2020, charge-sheet has already been filed and due to Covid-19, 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. 25.08.2021 Mohit Dhruw, brother of deceased, was present in person before Help Desk of this Court and he raised objection to grant of bail to the appellant by this Court.
6. Considering the facts and circumstances of the case, considering the nature of allegation made against the present appellant, as per postmortem report, injuries were found on the body of the deceased, trial is in progress as number of 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, 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