

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

Criminal Appeal No. 555 of 2021

- Abhishek Singh Karchuli S/o Mahendra Singh, aged about 35 years, Occupation Contractor, R/o Mission Chowk (in front of Pahuna Store), Kedarpur, Police Station & Tahsil Ambikapur, District Surguja (C.G.)

---- Appellant

Versus

- State of Chhattisgarh through the Police of Police Station AJAK, Ambikapur, District Surguja (C.G.)

---- Respondent/State

For Appellant	:	Shri Sunil Tripathi & Shri Govind Dewangan, Advocates
For Respondent/State	:	Shri Adil Minhaz, Government Advocate
For Objector	:	Shri Hariom Rai, Advocate

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

02.07.2021

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 20.05.2021 passed by First Additional Sessions Judge, Ambikapur, District Surguja (C.G.) in Bail Application No. 381/2021, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 17.05.2021 in connection with Crime No. 250/2021 for the offence punishable under Sections 294, 506, 427 & 452 of IPC and Sections 3 (1) (r) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- AJAK, Ambikapur, District Surguja (C.G.).
2. Prosecution case in brief is that complainant Filsita Kerketta made a complaint in Police Station AJAK Ambikapur, District Surguja alleging that

the appellant used to disturb the complainant and her family members since last two months by abusing them in the name of her caste. It is also alleged that the appellant entered the house of the complainant, broke some household articles and threatened them of life. On the basis of said complaint made 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 was 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. He also submits that the appellant is in jail since 17.05.2021 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. Complainant is connected through video conferencing from District Legal Services Committee, Ambikaur, District Surguja (C.G.) and she has no objection to grant of bail to the appellant by this Court. She has filed an application for no objection to grant of bail to the appellant by this Court which is duly supported by her affidavit.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, considering the age of the appellant who is 35 years, he is in jail since 17.05.2021, conclusion of the trial is likely to take some time, that all the offences under IPC except the one under Section 452 of IPC and offence under the SC & ST Act are bailable, 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, further considering the application raising no objection filed by the complainant which is duly supported by her affidavit, 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