

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 572 of 2021**

- Rajat @ Golu Diwan, S/o Harihar Diwan, aged about 28 Years, R/o Village Bamhnidih, Police Station Bamhnidih, District Janjgir Champa, Chhattisgarh.

----Appellant

Versus

- State of Chhattisgarh, Through the Police Station Bamhnidih, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Appellant
For Respondent

Shri Hari Om Rai, Advocate.
Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****23/07/2021**

1. The matter is heard through Video Conferencing.
2. This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is directed against the order dated 24.04.2021 passed by the Special Judge (Atrocities), Janjgir-Champa, C.G., rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 13.12.2020 in connection with Crime No.47/2020 for the offence punishable under Sections 294, 506-B, 323, 341, 186, 353 of Indian Penal Code and Sections 3(1)(a) & 3(2)(v-A) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989
registered at Police Station Bamhnidih, District Janjgir-
Champa, C.G.

3. Case of the prosecution, in brief, is that on 24.06.2020 at about 9:40 pm, when complainant- Ram Krishna Khairwar was on public servant duty, the present applicant obstructed him, abused him filthily and also committed *marpeet* with him. On report to the above effect being lodged by the prosecutrix, offence under the aforesaid section was registered against the appellant.
4. Learned counsel for the appellant submits that appellant is an innocent person and has been falsely implicated in this case. He submits that appellant is in custody since 13.12.2020, charge sheet has already been filed and due to COVID-19 pandemic, conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
5. Complainant- Ram Krishna Khairwar, Head Constable appeared before this Court and he has raised objection to the appeal filed by the appellant to release him on bail.
6. Learned counsel for the State opposes the bail application. He submits that there are number of criminal antecedents of the present applicant.
7. Heard learned counsel for the parties.

8. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, charge sheet has already been filed, the detention period of the appellant, who is 28 years old and there is no likelihood of the appellant tampering with the evidence or absconding as admitted by both the counsel and due to COVID-19 pandemic, conclusion of trial may take some time, 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. It is directed that in the event of appellant executing a personal bond for a sum of **Rs.2,00,000/-** with two sureties of Rs.1,00,000/- 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, and
- (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 strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
- (v) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of appellant involving himself in similar offence in future.

Sd/-
Gautam Chourdiya
Judge

Akhilesh