

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****Criminal Appeal No. 582 of 2021**

- Rajesh Sahu, S/o. Raghuram Sahu, aged about 19 years, R/o. Under Torwa Bridge, Near Muktidham, Police Station- Torwa, Bilaspur, District Bilaspur (C.G.)

---- Appellant**Versus**

- State of Chhattisgarh, through Station House Officer, P.S.- Mahila Thana, Bilaspur, District- Bilaspur (C.G.)

----State/Respondent

For Appellant : Shri Bharat Gulabani, Advocate

For Respondent /State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****03.09.2021**

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 26.03.2021 passed by the Special Judge, (Atrocities), District Bilaspur (C.G.) in Special Case No. 4/2020, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 29.11.2019 in connection with Crime No. 41/2019 for the offence punishable under Sections 376D, 324, 506-II of IPC and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Mahila Thana, Bilaspur, District Bilaspur (C.G.).
2. Prosecution case is that the prosecutrix came from Raipur to meet co-accused Masoom Beg. She stayed with Masoom Beg and then Masoom Beg called two other co-accused Shashi and Rajesh, which was resisted by prosecutrix and quarrel took place. It is further submitted that at the time of incident, when Masoom Beg went outside from his house, the prosecutrix was taken by Shashi and Rajesh to another place and ignoring request to

leave her in the house of her friend in another colony, on the threat, prosecutrix was subjected to rape by the present appellant.

3. Learned counsel for the appellant submits that the appellant has not committed any offence and he has been falsely implicated in the case. He submits that the appellant is in jail since 29.11.2019 and due to Covid-19, conclusion of the trial is likely to take some time, therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the appeal.
5. Prosecutrix is present in person before Help Desk of this Court and she is identified/verified by an employee of this Court, through her Aadhar Card. The prosecutrix stated that she has objection to grant of bail to the appellant by this Court.
6. Considering the facts and circumstances of the case, considering the evidence of prosecutrix, she specifically made allegation against the appellant that he committed rape upon her, trial is in progress in this case 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, further considering that the regular bail application filed by the present appellant was rejected on merits by the coordinate bench of this Court vide order dated 20.08.2020 passed in M.Cr.C. No. 3734 of 2020, 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