

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 583 of 2021**

- Prakash Sahu S/o Devram Sahu, aged about 33 years, R/o Village – Nawapara Pandatarai, Police Station – Pandatarai, District – Kabirdham (C.G.)

---- Appellant**Versus**

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

---- State/Respondent**And****Criminal Appeal No. 554 of 2021**

- Narad Sahu S/o Kumar Sahu, aged about 27 years, R/o Village – Nawapara Pandatarai, Police Station – Pandatarai, District – Kabirdham (C.G.)

---- Appellant**Versus**

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

---- State/Respondent

For Appellants : Shri Dharmesh Shrivastava, Advocate

For Respondent /State : Shri K.K. Singh, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****31.08.2021**

1. The appeal (Cr.A. No. 583/2021) by accused/appellant Prakash Sahu under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 31.05.2021 passed by the Special Judge (Atrocities Act), Kabirdham (C.G.) in Bail Application, rejecting his regular bail under Section 439 Cr.P.C.
2. The appeal (Cr.A. No. 554/2021) by accused/appellant Narad Sahu under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 21.05.2021 passed

by the Special Judge (Atrocities Act), Kabirdham (C.G.) in Bail Application, rejecting his regular bail under Section 439 Cr.P.C.

3. As above both the appeals preferred by the respective appellants arise out of the same Crime Number i.e. 97/2021 registered in Police – Bodla, District Kabirdham (CG) for the offence punishable under Sections 363, 366, 305/34 of IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against both the appellants, they are being disposed of by this common judgment.
4. As per prosecution case, on the pretext of marriage, the present appellants took the deceased (minor girl - daughter of complainant) and drop her at Village Chitarhin Kokda Khar. It is alleged that the deceased committed suicide by hanging on 03.05.2021 due to affair between her and appellant Prakash Sahu. It is further alleged that the complainant asked appellant Prakash Sahu about reasons behind the commission of suicide by his daughter, then he (complainant) was informed by appellant Prakash Sahu that he (Prakash Sahu) refused to marry her daughter. It is further alleged that the appellants were having knowledge that the deceased was minor girl belongs to the scheduled tribe community. Hence, on report being lodged to the above effect, the aforesaid offences have been registered against the appellants.
5. As per State counsel, notice has been served upon complainant (father of the prosecutrix), but neither he is present nor is there any representation on his behalf.
6. Learned counsel for the appellants seeks to withdraw the appeal i.e. 583/2021 filed on behalf of appellant Prakash Sahu with liberty to file a fresh appeal as and when occasion arises.
7. Accordingly, the appeal (Cr.A. No. 583/2021) is dismissed as withdrawn with the liberty as stated above.

8. Now this Court considers the appeal on behalf of appellant Narad Sahu i.e. Cr.A. No. 554/2021.
9. Learned counsel for the appellant submits that appellant Narad Sahu is innocent person, has been falsely implicated in this case. He further submits that when appellant Prakash Sahu took the deceased on the pretext of marriage, appellant Narad Sahu was accompanied with Prakash Sahu and there was love affair between Prakash Sahu and the deceased. He submits that appellant Narad Sahu is in jail since 12.05.2021 and conclusion of the trial is likely to take some time, therefore, the appellant be released on bail.
10. Learned counsel for the State opposing the submission made by the appellant's counsel submits that the trial Court has rightly rejected the bail application of appellant Narad Sahu and there is no illegality or infirmity in the same warranting interference by this Court.
11. Heard learned counsel for the parties.
12. Considering the facts and circumstances of the case, the fact that no specific allegation has been made against appellant Narad Sahu, he was alongwith appellant Prakash Sahu when Prakash Sahu took the deceased on the pretext of marriage and thereafter he refused to marry the deceased, after refusal of marriage with the prosecutrix by appellant Prakash Sahu, she committed suicide by hanging herself, that the detention period of appellant Narad Sahu who is 27 years old, conclusion of the trial is likely to take some time and there is no apprehension of the appellant tampering with the evidence or absconding, 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 (Cr.A. No. 554/2021) is allowed.
13. It is directed that in the event of appellant Narad Sahu executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- 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.

14.In the result, Cr.A. No. 554/2021 is allowed on the above terms and conditions whereas Cr.A. No. 583/2021 dismissed as withdrawn with the aforesaid liberty as prayed for.

Sd/-
(Gautam Chourdiya)
Judge