

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 586 of 2021**

- Ashish Gupta, S/o- Rameshwar Gupta, Aged about 25 years, R/o- Village- Putsura, Out-Post-Ganesh Mod, P.S.- Balrampur, District – Balrampur-Ramanujganj (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Through – S.H.O., P.S.- Chando, District – Balrampur-Ramanujganj (C.G.)

----State/Respondent

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

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****28.09.2021**

- This appeal by the accused/appellant under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 23.04.2021 passed by the Special Judge, (SC/ST, Act), Balrampur at Ramanujganj (C.G.) in Special Sessions Case Atrocities No. 03/2020, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 21.10.2019 in connection with Crime No. 29/2019 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- Chando, District Balrampur-Ramanujganj (C.G.).
- Prosecution case is that deceased Kirti Sonwani was the wife of the present appellant and both had performed the love marriage. On 14.10.2019 the dead body of deceased was found near Dhalangal Mahuwa Tree. There were injuries over the face and head of the deceased. On the basis of suspicion expressed by the father of the deceased against the appellant, report has been lodged against the appellant.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in this crime. He submits that the appellant is in jail since 21.09.2019, charge-sheet has already been filed and 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. Considering the facts and circumstances of the case, considering the material collected by the Investigating Officer, the nature of allegation made against the present appellant, as per postmortem report of the deceased, injuries were found on the body of the deceased, trial is in progress 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