

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****(Proceedings through Video Conferencing)****Criminal Appeal No. 623 of 2021**

- Pyarul Sheikh, S/o Motisheikh aged 28 years R/o Village : Baliya Thana-Sagordih, District Murshidabad (W.B.), At present R/o Urdana Welcome Dhaba, Thana Kotwali, District Raigarh (C.G.)

**---- Appellant****Versus**

- State of Chhattisgarh, Through Police Station – Kotra Road, Raigarh, District Raigarh (C.G.)

**----State/Respondent**


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| For Appellant         | : | Shri Sanjay Agrawal, Advocate        |
| For Respondent /State | : | Shri K.K. Singh, Government Advocate |

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**Hon'ble Shri Justice Gautam Chourdiya, J****Judgment on Board****03.08.2021**

1. This appeal by the accused/appellant under Section 14A (ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 11.05.2021 passed by the Special Judge (Atrocities Act), Raigarh, District Raigarh (c.G.) in Special Criminal Case under the Atrocities Act No. 48 of 2020, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 21.10.2020 in connection with Crime No. 208/2020 for the offence punishable under Sections 370, 370 (A) & 376 of IPC and Sections 3(1) (w) (1) & 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Kotra Road, Raigarh (C.G.).
2. Case of the prosecution is that on 17.10.2020. the prosecutrix lodged a report that after the death of her mother, she had gone to Raigarh for livelihood and there she was working in the house of co-accused Surbhi Sidar. After some time, Surbhi Sidar sold her to the present appellant and other co-accused and they committed sexual intercourse with the prosecutrix. The appellant and co-accused persons were sending prosecutrix to various persons and while they were taking her to Haryana, she somehow escaped and reported the matter to the police. Thereafter, the prosecutrix lodged F.I.R. on 19.10.2021 against the present appellant and

other co-accused persons.

3. Learned counsel for the appellant submits that the statement of the prosecutrix under Section 164 of Cr.P.C. would show that there is no disclosure about the involvement of the present appellant and he has been falsely implicated in this case. He also submits that the appellant is in jail since 21.10.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time.
4. On the other hand, learned counsel for the State opposes the bail and submits that the appellant and other co-accused have been involved in human trafficking.
5. Considering the facts and circumstances of the case, considering the allegation made against the appellant, he alongwith other co-accused persons involved in human trafficking, the material collected by the prosecution regarding forceful sexual intercourse committed by number of persons with the prosecutrix against her will, the fact that the present appellant was identified by the prosecutrix in test identification parade, further in the same crime, the appeals of co-accused namely Mohammad Alam and Yusub Sheikh were dismissed by this Court vide order dated 16.02.2021 passed in Cr.A. No. 52/2021 & CrA No. 19/2021, without commenting anything on merits of the case, this Court is not inclined to release the present 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