

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 602 of 2021**

- Devidas Manikpuri, Aged About 21 years, (wrongly mention as 35 years), S/o Shambhu Das Manikpuri, R/o Dharashiv, Out Post Lawan, P.S. Kasdol, Balodabazar, District : Balodabazar-Bhathapara, Chhattisgarh. **---- Appellant**

Versus

- The State of Chhattisgarh, Through- District Magistrate Balodabazar, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For Appellant : Shri Parag Kotecha, Advocate

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

Hon'ble Shri Justice Gautam Chourdiya**Judgment on Board****10.09.2021**

1. The appellant has preferred this appeal under Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 03.06.2021 passed by the Special Session Judge (Atrocities) Balodabazar (C.G.) in Special Criminal Case No. 15/2021 rejecting his regular bail application under Section 439 of Cr.P.C., the applicant is arrested on 23.02.2021 in connection with Crime No. 15/2021, registered at Police Chowki Lawan, Police Station Kasdol, District- Balodabazar Bhathapara (C.G.) for the offence punishable under Sections 323, 376, 450 of IPC and Sections 3 (Z) (5) (a) of SC/ST Act.
2. Case of the prosecution, in brief, is that on 22.02.2021 at about 11 pm when the prosecutrix was sleeping in her home, at that time husband of the prosecutrix was not present, the appellant entered the house of the prosecutrix by breaking the door and tried to commit rape on her. He also beat her and he inserted his

hand inside her private part and cut her lips by teeth. Upon hearing the cries of the prosecutrix her husband and father-in-law came there and they caught hold of the appellant. At that time the appellant was naked.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in the case, he has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The appellant is in jail since 23.02.2021 and due to COVID-19 conclusion of the trial is likely to take some time for disposal, therefore, he may be granted bail.
4. On the other hand, learned State counsel opposes prayer for grant of bail.
5. Learned State counsel submits that prosecutrix is duly served with the notice but neither she is present in person nor is there any representation on her behalf.
6. Having heard learned counsel for the parties, having regard to the entire facts and circumstances of the case, the nature of allegation made against the present appellant, deposition of the prosecutrix referred to by the appellant's counsel cannot be appreciated by this Court at this stage as the same is to be done by the trial Court, other material collected by the investigating officer during investigation, without expressing anything on merits of the case, this Court finds no illegality or infirmity in the impugned order of the trial Court.
7. Accordingly, the appeal being without any substance is hereby dismissed.

Sd/-
(Gautam Chourdiya)
Judge