

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****Criminal Appeal No. 649 of 2021**

- Khir Lal Patel S/o Late Shiv Prasad Patel, aged about 65 years, Caste – Patel, R/o Village – Rambhantha, Police Station – Dabhra, District – Janjgir-Champa (C.G.)

---- Appellant**Versus**

- State of Chhattisgarh, Through – Station House Officer, Police Station – Dabhra, District – Janjgir-Champa (C.G.)

----State/Respondent

For Appellant	:	Shri Tarun Dansena, Advocate
For Respondent /State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****09.08.2021**

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 18.01.2021 passed by the Special Judge (Atrocities), Janjgir-Champa (C.G.) in 09/2021, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 12.09.2020 in connection with Crime No. 377/2020 for the offence punishable under Sections 302 & 201/34 of IPC and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station-Dabhra, District Janjgir-Champa (C.G.).
2. Case of the prosecution in brief is that on 29.08.2020 Nawdharam Sidar lodged a merged intimation that dead body of his brother namely- Chhabilal Sidar was lying in the village pond. Thereupon, the police conducted merged enquiry and apprehended the appellant and other accused persons. From the statements of the witnesses it was found that there has been a long standing dispute between the deceased and the accused persons over the agricultural land. The allegations against the accused/appellant are that he in association with other co-accused persons committed murder of the deceased and thereafter, with intention to cause disappearance of the evidence of the crime, threw the dead body in the village pond.

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 merely on the basis of suspicion, the appellant has been implicated in the crime. He submits that in fact, the deceased was heavily drunken on the date of incident and fell down in the village pond accidentally and died due to drowning. He also submits that the appellant is in jail since 12.09.2020, charge-sheet has been filed and due to Covid-19, conclusion of the trial is likely to take some time, therefore, he may be released on bail. He also submits that some of the prosecution witnesses who are the material witnesses have been examined and turned hostile. Copies of the same is filed as Annexure-A/3 in the present appeal.
4. On the other hand, learned counsel for the State opposes the bail.
5. Considering the facts and circumstances of the case, considering the facts that the first appeal filed under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 of the present appellant has been rejected on merits by this Court vide order dated 10.03.2021 passed in Cr.A. No. 155/2021, charges have been framed against the appellant, 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, therefore, 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