

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 665 of 2021**

- Bholanath Yadav, S/o Kamlu Ram Yadav, aged about 21 Years, Caste Raaut, R/o Village Bhundagaon, Hatpasrapara, Police Station Bhanpuri, District Bastar, Chhattisgarh.

----Appellant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station Bhanpuri, District Bastar Chhattisgarh.

---- Respondent

For Appellant	Shri Rahim Ubwani, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/08/2021

1. The matter is heard through Video Conferencing.
2. This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is directed against the order dated 13.05.2021 passed by the 3rd Additional Sessions Judge, Bastar place Jagdalpur, C.G., rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 11.04.2021 in connection with Crime No.38/2021 for the offence punishable under Section 376 of Indian Penal Code and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station- Bhanpuri, District Bastar, C.G.
3. Allegation against the appellant by the prosecutrix is that on the

pretext of marrying her, appellant committed sexual intercourse with her. When she got pregnant, appellant refused to marry her and deserted her. On report being lodged to the above effect, the aforesaid offence have been registered against the appellant.

4. Learned counsel for the appellant submits that appellant is an innocent person and has been falsely implicated in this case. He submits that no such act as alleged has been committed by the appellant. Appellant is in custody since 11.04.2021 and due to COVID-19 pandemic, conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
5. Prosecutrix appeared through help desk of this Court and raised objection to release of the appellant on bail.
6. Learned counsel for the State opposes the appeal.
7. Heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, the gravity of the offence where the appellant sexually exploited the prosecutrix on the pretext of marriage and when she got pregnant, appellant deserted her, the statement of prosecutrix under Section 164 Cr.P.C, without commenting anything on merits of the case, this Court is of the opinion that present is not a fit case to release the appellant on bail. Accordingly, the appeal filed by the appellant being without any substance is hereby dismissed.

Sd/-
Gautam Chourdiya
Judge

