

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 685 of 2021**

Ravi Kumar Dixit S/o Lalji @ Arun Dixit, Aged About 21 Years,
R/o Sadikamau, P.S. Shivrajpur, District Kanpur (U.P.).

---- Appellant**Versus**

The State of Chhattisgarh, through Police Station Tapkara,
District Jashpur (C.G.).

---- Respondent

For Appellant : Shri A.K. Prasad, Advocate
For Respondent/State : Dr. (Ms.) Veena Nair, Dy. Advocate General
: Prosecutrix and her father is present in
person through virtual mode from District
Legal Service Authority, Jashpur.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****07.10.2021**

1. This criminal appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (henceforth 'the Act of 1989') has been preferred against the order dated 05.01.2021 passed by learned Special Judge under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Jashpur, C.G. rejecting application of appellant for grant of regular bail in connection with Crime No.32 of 2020 registered at Police Station Tapkara, District Jashpur (C.G.), for commission of offence punishable under Sections 365, 370, 366, 376, 506, 34 of IPC & 3(2)(V) and 3(1)(b)(i) and Section 3(1)(h) of the Act of 1989.
2. Case of the prosecution, in brief, is that, father of prosecutrix lodged a report to concerned Police Station on 13.03.2020 stating therein that since 26.01.2020 his daughter is missing from his house. Based on written report, offence was

registered under Section 363 of IPC against unknown person. During course of investigation, prosecutrix was recovered on 25.11.2020 from village Sadikamau in the house of appellant. Based on the statement of prosecutrix recorded under Section 161 of Cr.P.C., aforementioned crime was registered against appellant and three other persons.

3. Shri A.K. Prasad, learned counsel for the appellant would submit that appellant has not committed any offence as alleged against him. False and baseless allegations have been levelled in First Information Report and in the statement recorded under Section 161 of Cr.P.C. of the prosecutrix. Prosecutrix and her father was examined before the Court below on 26.07.2021, they have not supported the case of the prosecution and have been declared to be hostile witness. Copy of deposition sheet is filed with covering memo today itself. He further submits that in view of above evidence of prosecutrix and her father, no offence as alleged against the appellant would be made out, hence, appellant may be enlarged on bail.
4. Per contra, Dr. (Ms.) Veena Nair, Dy. Advocate General for the State opposes the submissions made by learned counsel for the appellant and submits that specific allegations have been levelled against the appellant and three other co-accused persons in the statement recorded under Section 161 of Cr.P.C. of prosecutrix. She further submits that Police has also collected mobile details showing that prosecutrix went from

certain root and was residing with appellant in the village Sadikamau, hence, appellant is not entitled for the benefit of grant of bail. She also submits that prosecutrix gave mobile call to her father from her place of residence at village Sadikamau, District Kanpur.

5. Prosecutrix and her father jointly submit before this Court that they are having no objection in grant of bail to the appellant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, the fact that on the date of alleged incident, prosecutrix was a major girl, evidence of prosecutrix as well as her father before the trial Court recorded on 26.07.2021, appellant is in jail since 26.11.2020, without commenting anything on the merits of the case, I am inclined to release the appellant on regular bail.
8. Accordingly, the appeal is allowed and it is directed that the appellant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
 - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the

prosecution witnesses.

c) If the appellant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh