

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 741 of 2021

1. Deepak Haldkar S/o G.D. Haldkar, Aged About 30 Years, R/o Q. No. 1/C Street No. 09, Sector 4, Bhilai, Tahsil And District Durg (C.G).

----Appellant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Bhilai Nagar, District Durg (C.G.).

---- Non-Applicant

For Appellant : Mr. Vivek Sharma, Advocate.

For Non-Applicant/State: Mr. K.K. Singh, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

13/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) This appeal by the accused/appellant under Section **14(A)(2)** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 30/06/2021 passed by the Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Durg (C.G.), rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 18/05/2021 in connection with Crime No. 228/2021 for the offence punishable under Section 376(2)(N) of Indian Penal Code and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Bhilai Nagar, District Durg (C.G.).
- 3) Allegation against the appellant is that he committed sexual intercourse with the prosecutrix, woman of Scheduled Castes, on the pretext of marriage since 2015 till the lodging of FIR and later on refused to marry her. On report being lodged to the

above effect on 28/05/2021 the FIR under the aforesaid sections has been registered against the appellant.

- 4) Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He submits that the appellant is in jail since 18/05/2021 and conclusion of the trial is likely to take some time due to COVID-19 Pandemic. He further submits that the appellant has no criminal antecedents and therefore, the appellant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application. He submits that the appellant has no criminal antecedents.
- 6) Prosecutrix, aged about 30 years, is present through video conferencing from the Help Desk of A.G. Office with the State Counsel Mr. K.K. Singh, Govt Advocate who identified her. The prosecutrix vehemently objected to grant of bail to the appellant.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the nature of allegation against the appellant, the prosecutrix is a major girl of 30 years and post graduate, she was having love affair with the appellant since 2015 and since then she was in physical relation with him till lodging of the FIR, she appeared through video conferencing and admitted that she has performed marriage with one Amit Josh on 25/06/2021, detention period of the appellant who is 30 years old, the fact that appellant has no criminal antecedents and there is no apprehension of the appellant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial is likely to take some time due to COVID-19 Pandemic, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is **allowed**. It is directed that in the event of appellant executing a personal **bond** for a sum of

Rs. 1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

- i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
- iv. he shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. he shall not involve himself in any offence of similar nature in future,

Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of appellant involving himself in similar offence in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant