

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****Criminal Appeal No. 737 of 2021**

- Vikesh Kumar S/o Madan Barik but wrongly mention in order as Madan Ram aged about 26 years R/o Village- Khajuri P.S. - Darima, District Surguja (C.G.)

---- Appellant**Versus**

- State of Chhattisgarh Through- Station House Officer, AJK Ambikapur, District Surguja (C.G.)

----State/Respondent

For Appellant	:	Shri A.N. Pandey, Advocate
For Respondent /State	:	Shri K.K. Singh, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****01.09.2021**

1. This appeal by the accused/appellant under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 09.04.2021 passed by the Special Judge (Atrocities) Surguja Ambikapur (C.G.) in Special Sessions (Atrocities) Case No. 12/2021, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 06.01.2021 in connection with Crime No. 02/2021 for the offence punishable under Sections 376 (2) (n) & 506 of IPC and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- AJK, Ambikapur, District Surguja (C.G.).
2. Prosecution case is that the prosecutrix lodged a written report against the appellant alleging that on the false promise of marriage, the appellant put vermilion on her hair-parting at temple in the year 2016 and committed sexual intercourse against her as a result of which she became pregnant and she gave birth a female child. It is alleged that the appellant and the

prosecutrix both were having physical relations since the year 2016 and thereafter continuously both were having physical relations till 2019.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in this crime. He submits that the prosecutrix is a major and the incident happened in the year 2016, but report was lodged by the prosecutrix in the year 2021, therefore, there is delay in lodging of F.I.R. He submits that the appellant is in jail since 06.01.2021 and due to Covid-19, conclusion of the trial is likely to take some time, therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the appeal.
5. Prosecutrix is connected through video conferencing from District Legal Services Authority, Ambikapur and stated that she studied till 7th standard and she has objection to grant of bail to the appellant by this Court.
6. Considering the facts and circumstances of the case, considering the fact that the prosecutrix is a tribal girl, studied till 7th standard, on the false promise of marriage, the appellant put vermilion on her hair-parting at temple in the year 2016 and committed sexual intercourse against her, both were having continuously physical relations till 2019 as a result of which she became pregnant and born a female child and thereafter, the appellant deserted the prosecutrix, without commenting anything on merits of the case, 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