

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 713 of 2021**

- Ramesh Kumar Sahu S/o. Ramsai Sahu, aged about 29 years, R/o. Village Kampa, P.S. Dongargaon, District Rajnandgaon (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police Station- Dongargaon, District Rajnandgaon (C.G.)

----State/Respondent

For Appellant	:	Shri Priyank Rathi, Advocate is connected through video conferencing for arguing the appeal
For Respondent /State	:	Shri Adil Minhaz, Government Advocate
For Objector/Complainant	:	Shri C.R. Sahu, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****30.09.2021**

1. 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 05.07.2021 passed by the Special Judge (Atrocities), Rajnandgaon, District Rajnandgaon C.G.) in Special Sessions Trial No. 15/2021, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 30.03.2021 in connection with Crime No. 104/2021 registered at Police Station- Dongargaon, District Rajnandgaon (C.G.). for the offence punishable under Section 307 of IPC and Section 3 (2) (v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Prosecution case, in brief, is that on 29.03.2021 on the eve of holi festival, complainant/victim Bhagwati Joshi was sitting on Kama Munch in front of her house alongwith Kirti Bai Sahu and Purnima Sahu and they were talking with each other, at that time, the appellant came there and on account of previous enmity with the complainant, he assaulted the complainant by

sickle as a result of which complainant sustained injuries on right side of her neck and right side of her wrist. On the basis of *Dehatinalishi*, the F.I.R. was registered against the appellant.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in this crime, the allegation against the appellant is that he attacked the victim because of her caste. He also submits that the appellant has no criminal antecedents, there is no apprehension of the appellant tampering with the evidence or absconding, the appellant is in jail since 30.03.2021, charge-sheet has already been filed and conclusion of the trial is likely to take some time, therefore, the appellant may be released on bail.
4. On the other hand, learned counsel for the State as well as learned counsel for the objector oppose the appeal. However, State counsel submits that the appellant has no criminal antecedents.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, considering the nature of injuries sustained by the complainant, she was admitted in hospital on 29.03.2021 and discharged from hospital within three days i.e. on 01.04.2021 and there was no any serious complication, the detention period of the appellant who is 29 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some time, and the fact that the appellant has no criminal antecedents, there is no apprehension of the appellant tampering with the evidence or absconding as admitted by learned counsel for the appellant as well as learned counsel for the State, without expressing any opinion on the 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.
7. It is directed that in the event of appellant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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 not involve himself in any offence of similar nature in future.

8. 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 nature of offence.

Sd/-

(Gautam Chourdiya)
Judge