

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**(Proceedings through Video Conferencing)****Criminal Appeal No. 792 of 2021**

1. Chanda Devi Wife of Raj Kumar Soni, aged about 30 years, Resident of Village Sarganwa Police Shankargarh, District – Balrampur (C.G.)
2. Raj Kumar Soni Son of Nanka Ram, aged about 30 years, Resident of village Narayanpur, P.S. and District Jashpur (C.G.)

---- Appellants**Versus**

- State of Chhattisgarh Through, Police Station Udaypur, District - Surajpur (C.G.)

----State/Respondent

For Appellants	:	Shri Vikas Kumar Pandey, Advocate
For Respondent /State	:	Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****27.08.2021**

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 28.09.2019 passed by the Special Judge (Atrocities), Surguja, Ambikapur, District Surguja (C.G.) in Special Sessions Case No. 40/2016, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 23.03.2016 in connection with Crime No. 24/2016 for the offence punishable under Sections 363/34, 370 (Part-v)/34 of IPC; Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015; Section 3/14 of Child Labour (Prohibition and Regulation) Act 1986 and Sections 3 (1) (h) and 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Udaypur, District Surajpur (C.G.).
2. As per prosecution case, on 21.03.2016 complainant Juglal Paikra lodged written report stating that on 09.03.2016 unknown person kidnapped her daughter alongwith other girls and were missing. During investigation, the

appellant and other co-accused persons were arrested by the police in the said crime.

3. Learned counsel for the appellant submits that the appellant has not committed any offence and he has been falsely implicated in the case. He submits that merely on the basis of suspicion, the appellant has been implicated in the crime. He also submits that the appellant is in jail since 23.03.2016, charge-sheet has been filed and due to Covid-19, conclusion of the trial is likely to take some time, therefore, he may be released on bail. He also submits that some of the prosecution witnesses who are the material witnesses have been examined and turned hostile. Copies of the same is filed as Annexure-A/2 in the present appeal.
4. On the other hand, learned counsel for the State opposes the bail.
5. Considering the facts and circumstances of the case, considering the nature of allegation made against the appellant that number of victims were abducted and they were forced to be bounded labour by the appellant and other co-accused person, that 21 witnesses have already been examined so far, trial is in progress in this case and in near future case is likely to be disposed of by the trial Court, the evidence so far recorded before the trial Court cannot be appreciated at this stage by this Court, therefore, 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