

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 757 of 2021

1. Neetai Chandra Gupta S/o Madhavchandra Gupta, Aged About 58 Years, R/o Village Dhangaon, School Para Dhamotherpur, Police Station Ramanujganj, District Balrampur - Ramanujganj (C.G).

----Appellant

Versus

1. State Of Chhattisgarh, Through Police Station AJAK, Balrampur, District Balrampur - Ramanujganj (C.G.).

---- Non-Appellant

For Appellant	:	Mr. A.K. Yadav, Advocate.
For Non-Appellant/State	:	Mr. Anand Verma. Dy. Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Judgment On Board

02/09/2021

- 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 08/10/2020 passed by the Special Judge (S.C./S.T. Act), Balrampur, Place Ramanujganj (C.G.), rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 04/09/2020 in connection with Crime No. 46/2020 for the offence punishable under Sections 294, 506, 420, 376(2)(n) & 450 of Indian Penal Code and under Sections 3(2)(v) & 3(2)(V)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station AJAK, Balrampur, District Balrampur - Ramanujganj (C.G.).
- 3) As per the prosecution case, the appellant introduced himself as a Bank employee to the prosecutrix and helped her in certain

Bank related work. In May 2019 the appellant went to the house of the prosecutrix for the purpose of insurance and this way he developed intimacy with prosecutrix. In June 2019 the appellant proposed her for marriage and stayed in her house and committed forcible sexual intercourse with her. It is alleged that thereafter the appellant committed forcible sexual intercourse with the prosecutrix repeatedly.

- 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 04/09/2020 and conclusion of the trial is likely to take some time due to COVID-19 Pandemic. Therefore, the appellant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) Heard learned counsel for the parties.
- 7) Considering the facts and circumstances of the case, the age of the prosecutrix i.e. 42 years, she is a major lady having 5 children, the appellant and the prosecutrix were having in physical relation continuously on number of occasions from June 2019 whereas the FIR was lodged on 03/09/2020, it appears that some dispute arose between the parties as the appellant withdrew a sum of Rs. 60,000/- from her account, despite service of notice, neither the prosecutrix is present nor is there any representation on her behalf, detention period of the appellant who is 58 years old, the fact that 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