

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 742 of 2021

1. Chunnu Lal Sahu S/o Tikaram Sahu, Aged About 35 Years,
 2. Pramesh Sahu S/o Jetha Lal Sahu, Aged About 35 Years,
- Both are R/o Village Kode, P.S. Dondi, District Balod (Chhattisgarh).

---- Appellants

Versus

1. State Of Chhattisgarh, Through SHO, Dondi, District Balod (Chhattisgarh).

---- Respondent

For Appellants	:	Mr. B.P. Singh, Advocate.
For Respondent/State	:	Mr. Anand Verma, Dy. Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

02/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) This appeal by the accused/appellants under Section **14(A)II** of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 08/07/2021 passed by the Sessions Judge, Balod District Balod (C.G.), refusing to allow their regular bail under Section 439 Cr.P.C. The appellants are in jail since 22/06/2021 in connection with Crime No. 64/2021 for the offence punishable under Sections 294, 506, 323, 456 & 34 of Indian Penal Code and under Section 3(क)(ख) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Dondi, District Balod (C.G.).
- 3) Case of the prosecution, in brief, is that on 12/06/2021 at about 09 PM appellant Chunnu Lal Sahu entered the house of the prosecutrix in a drunken condition, demanded fish curry and on

refusal by her, abused her filthily as also in the name of her caste and also assaulted her husband and son with hands and fists while threatening them of life. During the said incident, appellant Pramesh Sahu also assaulted the husband of the prosecutrix by hands and fists. On report being lodged to the above effect by the complainant, offence under the aforesaid section has been registered against the appellants.

- 4) Learned counsel for the appellants submit that the appellants are innocent persons and have been falsely implicated in this case. He submits that the appellants are in jail since 22/06/2021 and conclusion of the trial is likely to take some time. Therefore, the appellants be released on bail.
- 5) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 6) Prosecutrix Kumari Bai Kuldeep is present through video conferencing with the aid of District Legal Services Authority, Balod with her Counsel Mr. Mohammad R. Qureshi who identified her. The prosecutrix vehemently objected to grant of bail to the appellants.
- 7) Heard learned counsel for the parties.
- 8) Considering the facts and circumstances of the case, the fact that the detention period of the appellants and the fact that conclusion of trial is likely to take some time, that there is no apprehension of the appellants absconding or tampering with or influencing the witnesses, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case for releasing the appellants on bail. Accordingly, the appeal is **allowed**. It is directed that in the event of **each** of the appellants 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, they shall be released on bail on the following conditions:-
 - i. they 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. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- iv. they shall strictly follow the COVID-19 protocol issued by the Central Govt./State Govt./Local Authority,
- v. they shall not involve themselves 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 appellants involving themselves in similar offence in future.

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

Chandrakant