

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 756 of 2021**

- Suresh Sarkar @ Chhotu, S/o Prabhas Sarkar, aged about 26 Years, R/o M.V.11, Gourguda, P.S. and District Malkangiri (Odisha) at Present R/o Dornapal, Subhash Nagar, P.S. Dornapal, District-Sukma, Chhattisgarh.

----Appellant

Versus

- State of Chhattisgarh, Through- the Station House Officer, Police Station Sukma, District- Sukma, Chhattisgarh.

---- Respondent

CRA No. 908 of 2021

- Chanchal Mandal, S/o Parimal Mandal, aged about 24 Years, R/o M. V. 11, Gourguda, Police Station and District Malkangiri (Odisha).

----Appellant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Sukma, District Sukma, Chhattisgarh.

---- Respondent

For Appellants
For State

Shri Praveen Dhurandhar, Advocate.
Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya 
Order on Board

27/09/2021

1. Earlier the appellant- Chanchal Mandal had filed MCRC No.1822 of 2020 which was dismissed on merits by the Co-ordinate Bench of this Court vide order dated 27.08.2020 and MCRC No.5641 of 2021 filed by him was dismissed as withdrawn with liberty to file appeal vide order dated 06.08.2021.

2. Both these appeals by the accused/appellants under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are directed against the orders dated 26.11.2019 & 25.06.2021 respectively passed by the Special Judge, SC/ST Act North Bastar, Dantewada, C.G., rejecting their regular bail under Section 439 Cr.P.C. The appellants are in jail since 14.07.2019 in connection with Crime No.86/2019 for the offence punishable under Sections 302, 201 & 120-B of Indian Penal Code and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station- Sukma, District Sukma, C.G.
3. Case of the prosecution is that appellant-Suresh had started liking the wife of the deceased and in course of time, he planned to eliminate the deceased so that his wife may be inclined to accept the offer of that appellant- Suresh. According to prosecution story, to eliminate the deceased Ramnivas, co-accused Suraj hatched a conspiracy involving present appellants, in furtherance of which, Ramnivas was taken to different places and finally he was brought into jungle where he was assaulted with the help of weapon and his neck was chopped resulting in death.
4. Learned counsel for the appellants submits that appellant are innocent persons and have been falsely implicated in this case. It is submitted that appellants have not played any role in alleged offence. Appellants are in custody since 14.07.2019, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, they may be released on bail.

5. Learned counsel for the State opposes the appeals.
6. Heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the fact that the earlier bail application of the appellant- Chanchal Mandal has already been rejected on merits by the Co-ordinate Bench of this Court, there is no change in the circumstances except that for exhibiting some formal documents regarding DNA and fingerprints, witnesses have been called, the material so far collected against the appellants, the case of the appellant- Suresh Sarkar @ Chhotu is not being distinguishable on facts from the case of the appellant- Chanchal Mandal, the trial is in progress, which is likely to be concluded in near future and that the evidence on record cannot be appreciated by this Court at this stage, without commenting anything on merits of the case, this Court is of the opinion that present is not a fit case to release the appellants on bail. Accordingly, both the appeals filed by the appellants being without any substance are hereby dismissed. However, considering the detention period of the appellants, the trial Court is directed to expedite the trial and conclude the same as early as possible.

Sd/-
Gautam Chourdiya
Judge