

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 793 of 2021**

- Pitambar Yadav S/o Ganeshwar Yadav, aged about 26 years, R/o Kokiyakhar Garabandha O.P. Kotaba, P.S. Bagbahar, District Jashpur (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station Tamnar, District Raigarh (C.G.)

----State/Respondent

For Appellant : Shri Manoj Kumar Jaiswal, Advocate

For Respondent /State : Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****29.09.2021**

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 17.06.2021 passed by the Special Judge (Atrocities Act), Raigarh, District Raigarh C.G.) in Special Criminal Case Under the Atrocities Act No. 14/2020, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 15.09.2020 in connection with Crime No. 07/2020 registered at Police Station- Tamnar, District Raigarh for the offence punishable under Sections 376 (2) (k), 420 of IPC and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Allegation against the present appellant is that he committed sexual intercourse with the prosecutrix many times in the name providing her job in the railway and obtained Rs.2 lacs from her. However, neither any such job was provided nor the money was returned to the prosecutrix. Thus, the appellant cheated the prosecutrix by taking money in the name of securing job and also sexually exploited her.
3. Learned counsel for the appellant submits that the appellant has been

falsely implicated in this crime. He submits that the appellant has not given any assurance to provide job to the prosecutrix and has not obtained any money in the name of providing her job. He also submits that the appellant is in jail since 15.09.2020 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 opposes the appeal.
5. Prosecutrix is present in person before this Court and she is identified/verified by Shri Adil Minhaz, Government Advocate through her Aadhar Card. The prosecutrix stated that she has objection to grant of bail to the appellant by this Court.
6. Considering the facts and circumstances of the case, considering the nature of allegation made against the appellant that he took away the prosecutrix on the pretext of providing job in the railway, committed sexual intercourse with prosecutrix many times in his room against her will and cheated her by taking Rs.2 lacs, neither any such job was provided nor the money was returned to the prosecutrix by the appellant, thereafter, the prosecutrix lodged the report after seven months against the appellant, the prosecutrix is a tribal girl aged about 26 years, she appeared in person before this Court and raised objection to grant of bail to the appellant by this Court, without commenting anything on merits of the case, 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