

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceeding through Video Conferencing)

Criminal Appeal No. 684 of 2020

- Anil Sahu S/o Shiv Bahoran Sahu, aged about 30 years, R/o Barampur, Police of Police Station Khadgawa, District Koriya (C.G.)

---- Appellant

Versus

- State of Chhattisgarh Through : Station House Officer, Police of Police Station – Ajak Baikunthpur, District Koriya (C.G.)

---- Respondent/State

For Appellant : Shri Anil Gulati, Advocate

For Respondent/State : Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment on Board

01.09.2021

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 16.12.2019 passed by the Special Judge, SC/ST (P.A.), Act, Baikunthpur, District Koriya (C.G.) in Bail Application, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 12.11.2019 in connection with Crime No. 38/2019 for the offence punishable under Sections 420, 120(B), 467, 468, 471, 506, 406 of IPC and Section 3 (2) (v-a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station- Ajak Baikunthpur, District Koriya (C.G.).
2. As per prosecution case, complainant Surya Pratap Singh made a written complaint to the Station House Officer of Police Station Khadgawa alleging in it that the applicant committed cheating of Rs.4,67,000/- by threatening him and fraudulently obtained rupees from him. Hence, on report being lodged to the above effect, the aforesaid offences have been registered against the applicant.

3. Learned counsel for the appellant submits that the appellant is an innocent person, he is falsely roped in this case. He further submits that as per agreement dated 10.07.2021 filed alongwith covering memo dated 19.07.2021, the applicant has returned the entire amount to the complainant. He also submits that the appellant is in jail since 12.11.2019, charge-sheet has been filed and due to Covid-19 pandemic, conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
4. On the other hand, learned counsel for the State opposes the appeal.
5. Complainant Surya Pratap Singh is present in person before Help Desk-3 of this Court and he is identified/verified, an employee of this Court, through his Aadhar Card. The complainant stated that he has received the entire amount from the appellant and he has no objection to grant of bail to the appellant by this Court.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of allegation made against the appellant, the fact that the complainant has no objection to grant of bail to the appellant by this Court as also he stated that he has received the entire amount from the appellant which confirms the agreement dated 10.07.2021 filed by the appellant's counsel with covering memo dated 19.07.2021, dispute between the parties have been settled, and that the appellant is in jail since 12.11.2019, charge-sheet has already been filed, due to Covid-19, conclusion of the trial is likely to take some time, without expressing any opinion on the 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 and the impugned order is set aside.
8. It is directed that in the event of appellant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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 not involve himself in any offence of similar nature in future.
- v. he shall strictly follow the Covid-19 protocol issued by the Central Govt./State Govt./Local Authority.

Sd/-
(Gautam Chourdiya)
Judge

vatti