

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 706 of 2020

- Siddhant Sharma @ Siddharth Mahapatre @ Viky Mahraj, S/o Lakeshwar Sharma, aged about 25 years, R/o Ward No. 09, Purani Basti, Kharsiva, Chowki & Police Station- Kharsiya, District Raigarh (C.G.)

---- Appellant

Versus

1. State of Chhattisgarh, Through Station House Officer, Police Station Kharsiya, District Raigarh (C.G.)

---- Respondent/State

For Appellant	:	Smt. Smita Jha, Advocate
For Respondent/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

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

20.01.2021

1. This appeal by the accused/appellant under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 04.09.2020 passed by the Special Judge, (SC/ST) Act, Raigarh, District Raigarh (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 03.09.2020 in connection with Crime No. 154/2020 for the offence punishable under Sections 353, 186, 294, 451 & 506 of IPC; Sections 3,4 & 5 of Medical Services Act and Section 3(1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Kharsiya, District Raigarh (C.G.).
2. Prosecution case in brief is that on 17.03.2020 at about 11:00 pm, complainant namely Dr. Kiran Chouhan, lady Doctor, posted at Civil Hospital Kharsiya on emergency duty was treating the patients, then

appellant/accused entered the labour room of the hospital and tried to obstruct the complainant in discharging her duty and also abused the complainant. The complainant tried to stop the appellant, despite that the appellant forcibly tried to obstruct the complainant in discharging her duty at the hospital and when the hospital staff asked the appellant to go out, then the appellant assaulted and abused the hospital staff. When the information regarding the above incident was given by the complainant to In-charge of Police Station, Kharsiya through phone, the appellant ran away from there. Thereafter, on 18.03.2020 the appellant again came to the hospital premises and started abusing the staff and behaved in an indecent manner. The information was given by the hospital management to the In-charge of Police Station, Kharsiya through phone. After the written complaint lodged by the complainant, offence has been registered by the police against the appellant under the above aforementioned Sections.

3. Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. She also submits that there is no apprehension of the appellant tampering with the evidence or absconding, the appellant is in jail since 03.09.2020 and 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. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the appellant is in jail since 03.09.2020, conclusion of the trial is likely to take some time and that there is no apprehension of the appellant tampering with the evidence or absconding, 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.

7. 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 not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge