

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 687 of 2020**

- Ashok Rajwade S/o Late Jawahar Lal Rajwade Aged About 32 Years R/o 15 Block Korba, Tahsil And District Korba Chhattisgarh., District : Korba, Chhattisgarh ---- **Appellant**

Versus

1. State of Chhattisgarh through The Incharge, Outpost - C.S.E.B. Police Station Kotwali, Korba, District Korba Chhattisgarh.,
2. Prosecutrix (Name Has Not Been Mentioned As Per The Judgment Of Honble Supreme Court) Daughter Of Shankar Tandon, Aged About 30 Years, Resident Of 15 Block Jharnapara, Chowki - Cseb, Police Station Korba, District Korba Chhattisgarh. ---- **Respondents**

For appellant	:	Mr. Goutam Khetrapal, Advocate
For respondent/State	:	Mr. D.K. Tiwari, Dy.G.A.
For complainant	:	None appears though served

Hon'ble Shri Justice Gautam Chourdiya, J.

Order on Board

04-02-2021

1. This appeal has been preferred under Section 14(A) (ii) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against impugned order dated 27-6-2020 (Annexure A/1) passed by learned Special Judge,(SC & ST (PA)) Act 1989 in Bail Application No. 150 of 2020, whereby the Special Judge has rejected bail application of the appellant preferred under Section 439 of Cr.P.C. which relates to Crime No. 539 of 2020, registered at Police Station –Outpost,CSEB ,

Police Station Kotwali, Korba, District Korba (C.G.) for the offence punishable under Sections 376, 294, 506, 417 of IPC and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The case of the prosecution, in brief, is that on 15-6-2020, prosecutrix aged about 30 years lodged a written report in Police Station stating therein that on the pretext of marriage, the applicant committed sexual intercourse with her on several occasions since 2017 and kept her in a house situated at Housing Board Colony, Rampur. When she insisted the appellant to marry her, the appellant refused to marry her.
3. Learned counsel for the appellant submits that the appellant is already a married person having two children but the prosecutrix was a consenting party and she was in love with the appellant despite knowing the fact that the appellant is already a married person. Appellant also proposed that he is ready to give divorce to his first wife and thereafter he would live with prosecutrix, to which she agreed, therefore, the appellant may be granted bail.
4. On the other hand learned State counsel supports the impugned order.
5. On the last date of hearing i.e., 9-11-2020 prosecutrix appeared through video Conferencing by DLSA Korba (CG) and opposed the bail application.

6. Perusal of the record shows that the prosecutrix is aged about 32 years and the appellant by saying that he was a bachelor, on the pretext of marriage took the prosecutrix to different places and committed sexual intercourse with her since 2017 and in order to avoid marriage with her, he was residing in another place.
7. Considering the facts and circumstances of the case, the fact that the accused is already a married man having two children, on the pretext of a false promise of marriage, he told the prosecutrix that he is a bachelor and committed sexual intercourse with her repeatedly since 2017, conduct of the accused and looking to the material available on record, I am not inclined to release the appellant on bail.
8. Accordingly, the instant appeal being devoid of merit is liable to be and is hereby dismissed.

Sd/-

(Gautam Chourdiya)

Judge

Raju