

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 760 of 2020

- Anil Kumar S/o Rishi Kumar Mungri, Aged about 20 years, Caste Panika, R/o Village Kushha, Police Station- Sonhat, District Korla(C.G.)

---- Appellant

Versus

- State of Chhattishgarh Through The Officer In-charge, Police Station Sonhat, District Korla (C.G.)

---- Respondent/State

For Appellant	:	Shri Pushkar Sinha, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, Government Advocate
For Objector/Complainant	:	Shri Hemant Kumar Agrawal, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment on Board

29.01.2021

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 14.09.2020 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act 1989, Baikunthpur, District Korla (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 01.09.2020 in connection with Crime No. 124/2020 for the offence punishable under Sections 354, 354(D), 506 & 323 of IPC and Section 3(1) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Sonhat, District Korla (C.G.).
2. Allegation against the appellant is that on 30.08.2020 at about 03:00 pm, the prosecutrix/complainant was alone in her home, the appellant/accused found her alone, caught hold of her hand and forcibly dragged her into the home. When she opposed the appellant, he threatened her for life and when she

shouted, the neighbors reached there. Thereafter, mother of the complainant reached there, then the appellant abused the complainant and her mother filthily and fled from there.

3. Prosecutrix/complainant appeared alongwith her counsel before this Court in person and she has objection to grant of bail to the appellant by this Court.
4. Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He also submits that the appellant is in jail since 01.09.2020, charge-sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
5. On the other hand, learned counsel for the State opposes the appeal.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, particularly considering the age of the appellant i.e. 20 years of age, young offender, he is in jail since 01.09.2020, charge-sheet has already been filed, conclusion of the trial is likely to take some time, there is no apprehension of the appellant tampering with the evidence or absconding and he has no criminal antecedent as admitted by both the counsel, 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.50,000/- with two sureties of Rs.25,000/- 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

vatti