

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 958 of 2021**

- Jagarnath Pramanik, S/o Shashi Bhushan Pramanik, Aged About 30 Years, R/o Banpur, P.S. Baruwa Adda, District- Dhanbad, Bihar. **---- Appellant**

Versus

- State of Chhattisgarh, Through- P.S. Bagbahara, District- Mahasamund, Chhattisgarh. **---- Respondent**

For Appellant : Shri Vikash Pradhan, Advocate

For Respondent/State : Shri Adil Minhaj, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya
Judgment on Board

27.09.2021

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 27.07.2021 passed by the Special Judge (SC/ST Act), Mahasamund, District- Mahasamund (C.G.), rejected to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 25.07.2021 in connection with Crime No.108/2018 for the offence punishable under Section 354 of IPC and Section 3 (1) (ब) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Bagbahara, District- Mahasamund (C.G.).
2. Case of the prosecution, in brief is that the appellant with intent to outrage modesty of the prosecutrix called her in a place where no one was there, when she was at meeting hall of Bagbahra Hospital, forcibly caught hold of her arm, pushed her against the wall, kissed her chick & repeatedly approached her for marriage and subsequently refused to marry her. Thereafter, report was lodged against the present appellant.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in the case. He further submits that appellant and the prosecutrix were having love affair. The appellant has no criminal antecedents, charge-sheet has been filed, there is no likelihood of his tampering with the prosecution evidence or absconding. The appellant is in jail since 25.07.2021 and conclusion of the trial is likely to take some time for disposal, therefore, he may be granted bail.
4. On the other hand, learned State counsel opposes prayer for grant of bail.
5. The prosecutrix is present in person and she vehemently opposes the appeal filed by the appellant for grant of bail.
6. Having heard learned counsel for the parties, having regard to the entire facts and circumstances of the case, the nature of allegation made against the present appellant, age of the prosecutrix who is 27 years old, incident took place in the year of 2015 and FIR was lodged on 12.05.2018, considering the 161 CrPC statement of the prosecutrix recorded on 01.09.2021, charge-sheet has been filed, detention period of the appellant, who is 30 years old, he has no criminal antecedents, charge-sheet has been filed, there is no likelihood of his tampering with the prosecution evidence or absconding as admitted by both the counsel, without expressing anything on 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.
7. It is directed that in the event of the appellant executing a personal bond for a sum of Rs. 2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on following conditions:-
 - (a) 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.

- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (d) he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of appellant involving himself in similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim