

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 832 of 2020**

- Ajay Gayin S/o Late Khagendra Gayin Aged About 23 Years R/o Mana Camp, Near Anganbadi, Police Station Mana Camp, District Raipur Chhattisgarh.,
---- **Appellant**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Devendra Nagar, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
---- **Respondent**

For appellant	:	Mr. Suresh Tandan, Advocate
For respondent/State	:	Mr. D.K. Tiwari, Dy.G.A.

Hon'ble Shri Justice Gautam Chourdiya, J.

Order on Board04-02-2021

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 12-4-2019 (Annexure A/1) passed by learned Special Judge, (Atrocities) Raipur, in Criminal Case No. 12 of 2019, whereby the Special Judge has rejected bail application of the appellant preferred under Section 439 of Cr.P.C. which relates to Crime No. 13 of 2019, registered at Police Station Devendra Nagar, Raipur, District Raipur for the offence punishable under Sections 365, 376, 394, 506, 354(B), 34 of IPC, Section 66-E of the I.T. Act and Sections 3(1)(e), 3(b)(i) and 3(1)(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 6-2-2019 prosecutrix made a report in Police Station stating therein that she is residing at Saddu, Chandani Chowk, Mangal Bhawan along with her brother-in-law for the last seven months and she is working at City Centre, Pandri. On 5-2-2019 at about 8.00 pm when she was returning from her work, at that time appellant and co-accused came in a car, forcibly took her to near Kachan over-bridge, undressed her, tried to have forcible sexual intercourse with her, inserted finger in her private part, snatched her mobile phone and also prepared video and thereafter committed marpit and threatened her of making the said video viral and killing her if she disclosed the incident to anyone. On the basis of said report, police registered the crime against present appellant and co-accused
3. Learned counsel for the appellant submits that the appellant has falsely been implicated in this case. He is a driver and he has not played any role in alleged offence. Prosecution has failed to produce any video of the incident. He would further submit that MLC report does not support the case of the prosecution, the appellant is in jail since 7-4-2019 and conclusion of the trial may take some time and, therefore, the appellant may be granted bail.

4. On the other hand learned State counsel supports the impugned order.
5. Prosecutrix and her brother are present before this court today and they have raised objection to the bail application filed by the present appellant.
6. I have heard learned counsel for the parties and perused the record of the trial court.
7. Considering the facts and circumstances of the case, looking to the entire material available on record, gravity of the offence, conduct of the accused and looking to the statement of the prosecutrix, I am not inclined to release the appellant on bail. This court finds no illegality or infirmity in the impugned order of the trial court rejecting the appellant's bail application.
8. Accordingly, the instant appeal being devoid of merit is liable to be and is hereby dismissed.

Sd/-

(Gautam Chourdiya)

Judge

Raju