

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 778 of 2020

- Ranveer Prasad Patel S/o Gairdlal Patel Aged About 19 Years R/o Village Bagnara, Police Station Ambagarh Chowki, Tahsil- Ambagarh Chowki, District Rajnandgaon (Chhattisgarh). ---- **Appellant**

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Ambagarh Chowki, District Rajnandgaon (Chhattisgarh).
2. Bhagatram S/o Ramhu Aged About 45 Years R/o Village Bagnara, Police Station Ambagarh Chowki, Tahsil- Ambagarh Chowki, District Rajnandgaon (Chhattisgarh). ---- **Respondents**

For Appellant	:	Shri Aditya Bhardwaj, Advocate
For Respondent/State	:	Dr. Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08/01/2021

- 1) Earlier the appellant had filed an application under Section 439 of Cr.P.C. i.e. MCRC No. 6419 of 2020 which was dismissed as withdrawn vide order dated 23.09.2020 with liberty to file appeal under Section 14 A of the SC/ST Act. Hence this appeal.
- 2) This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, R/W 439 of the Code of Criminal Procedure, 1973 is directed against the order dated 17.08.2020 passed by the Additional Sessions Judge (ST/SC), Rajnandgaon (C.G.) in Crime No. 35/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Sections 376, 304-A of IPC and Section 4,6 of the POCSO and Section 3(2)(v) of the SC/ST Act, registered at Police Station- Ambagarh Chowki, District- Rajnandgaon (C.G.).The appellant is in jail since 04.08.2020.
- 3) Case of the prosecution in brief is that the deceased, a minor girl, was subjected to sexual intercourse by the present appellant as a result of

which, she was carrying 28 weeks of pregnancy and she died on 03.08.2020 during treatment at Community Health Centre, Anchouki. Thereafter, father of the deceased lodged report against the present applicant and he was arrested on 04.08.2020.

- 4) Father of the prosecutrix has appeared before this Court through Video Conferencing mode and he vehemently objected of grant of bail to the appellant.
- 5) Learned counsel for the appellant submits that the applicant has been falsely implicated in this case. He next submits that the appellant and the prosecutrix were living together and no complaint made by the complainant to anyone till the death of the deceased. He further submits that the deceased died due to the deficiency of blood during the pregnancy of 28 weeks. The appellant is in jail since 04.08.2020 and charge-sheet has been filed and trial is likely to take some time for its conclusion therefore, he may be granted bail.
- 6) On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that prima-facie case is made out because deceased was minor girl on the date of incident and the appellant made physical relation with the minor girl and as a result of which she conceived and died during treatment.
- 7) Having regard to the facts and circumstances of the case, the gravity of the offence and looking to the fact that the deceased was minor and carrying 28 weeks of pregnancy and she died during treatment due to this pregnancy, without expressing anything on merits of the case, this Court finds no legality or infirmity in the impugned order of the trial Court.
- 8) Accordingly, the appeal being without any substance is hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge