

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 741 of 2020**

- Pradeep Singh Mar S/o Shri Vishwanath Singh Mar Aged About 19 Years R/o Jabar Bandhpara Police Station Balrampur District Balrampur Ramanujganj Chhattisgarh. **---- Appellant**

Versus

- State Of Chhattisgarh Through Sho Balrampur District Balrampur Chhattisgarh. **---- Respondent**

For appellant : Shri Dheerendra Pandey, Advocate
 For Respondent/State : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****11.01.2021**

1. 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 25.08.2020 passed by the Special Judge (SC/ST Act) Balrampur place Ramanujganj (C.G.) in Crime No. 41/2018 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 363, 366, 376 (2) (a), 506, 313, 328 of IPC, Section 5 (a)/6 of the POCSO Act and Section 3 (2) (v) of the SC/ST Act, registered at Police Station Balrampur, District- Balrampur-Ramanujganj (C.G.). The appellant is in jail since 14.02.2019.
2. Allegation against the present appellant is that he abducted the prosecutrix, a minor girl, and had physical relation with her for two years on the pretext of marriage, as a result of which, she had five months pregnancy. Which was subsequently got aborted by the appellant.
3. Learned counsel for the applicants would argue that the appellant is an innocent person, he has not committed any offence, he is falsely implicated. He further submits that prosecutrix has married to other person and her age is not proved by the parents of the prosecutrix. He

further submits that elder brother of the prosecutrix is 27 years of age and parents of the prosecutrix did not mention exact date of birth of the prosecutrix anywhere so as to prove the age of the prosecutrix. It is also stated that appellant has no criminal antecedent and he is in jail since 14.02.2019 and trial is likely to take time to its conclusion therefore, he may be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the complainant has lodged report in the police station making clear allegation that present appellant made physical relation with the prosecutrix on the pretext of marriage and did abortion of the prosecutrix when she became pregnant. Since the prosecutrix was minor at the time of incident, the appellant should not be granted bail. It is further submitted that the appellant has no criminal antecedents.
5. Though notice has been served upon father of the prosecutrix but neither he is present nor is there any representation on his behalf.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, it is not clear from the material available in the case diary that prosecutrix was minor at the time of incident, she has solemnized marriage with other person and the fact that appellant has no previous criminal antecedents as admitted by both the counsel, detention period of the appellant and conclusion of the trial is likely to take some time, therefore, the appeal is allowed. It is directed that in the event of the 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 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.

Sd/-

(Gautam Chourdiya)
Judge

Nadim