

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 746 of 2020

1. Dileshwar Rajwade S/o Devkaran Rajwade Aged About 35 Years
Resident Of Village Katkalo, P.S. Darima, Tahsil- Ambikapur,
District- Surguja (Chhattisgarh).
2. Rajesh Rajwade S/o Prem Rajwade Aged About 27 Years
Resident Of Village Katkalo, P.S. Darima, Tahsil- Ambikapur,
District- Surguja (Chhattisgarh). **---- Appellants**

Versus

- State Of Chhattisgarh Through The District Magistrate
Ambikapur, Distt.- Surguja Chhattisgarh.

---- Respondent/State

For appellants	:	Shri Sanjay Pathak, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Judgment on Board

04.02.2021

1. This appeal by the accused/appellants under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 26.09.2020 passed by the Special Judge (Atrocities) Act, Surguja (C.G.) in Crime No. 47/2020 refusing to allow their regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 294, 506 B, 323, 308, 34 of IPC and Section 3(2-5) of the SC/ST Act, registered at Police Station-Darima, District-Surguja (C.G.). The appellants are in jail since 25.09.2020.
2. Prosecution case in brief is that on 03.05.2020 at about 11.30 Hrs the complainant Mohit Kumar asked his father namely Suresh Ram Ravi for money for cultivation of vegetables, at that time the present appellants alongwith other co-accused person namely Dharmendra came there in intoxicated condition, started

abusing filthily and assaulted with wood and bricks on the complainant as a result of which the complainant sustained several injuries on left arm, right shoulder, left thigh, both right-left elbow of which blood started oozing.

3. Learned counsel for the appellants submits that the allegations against the appellants are false and fabricated, they are falsely implicated in the case. Counsel for the appellants further submits that the appellants/accused are in jail since 25.09.2020, injuries sustained by the complainant are simple in nature and they have no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, they may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the appellants have no criminal antecedents.
5. Learned State counsel submits that complainant was duly served with the notice and informed about the present proceedings. However, neither the complainant is present in person 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, looking to the injuries, number of injuries are six out of which four are swelling and abrasion and two are lacerated wounds which are simple in nature, charge-sheet has been filed, detention period of the appellants and the fact that the appellants have no criminal antecedents as admitted by both the counsel, there is no likelihood of the appellants tampering with the evidence or absconding and conclusion of the trial is likely to take some time, therefore, the appeal is allowed. It is directed that in the event of each of the appellants 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, they shall be released on bail on following conditions:-

- (a) they 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 them from disclosing such fact to the Court.
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the appellants shall automatically stand cancelled without further reference to the Bench.

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

Sd/-

(Gautam Chourdiya)
Judge

Nadim