

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 802 of 2020

1. Chetan Devangan S/o Shri Lalit Devangan, Aged About 20 Years, By Caste Koshtha, R/o Village Bhothli, Thana And Tahsil Dongargarh, District Rajnandgaon (C.G.).

---- Appellant

Versus

1. The State Of Chhattisgarh, Through Police Station Dongargarh, District Rajnandgaon (C.G.).
2. Nisha Joshi D/o Dhaniram Joshi, Aged About 20 Years, R/o Village Bhothli, Thana And Tahsil Dongargarh, District Rajnandgaon (C.G.).

---- Respondents

For Appellant	:	Mr. Shalvik Tiwari, Advocate appears on behalf of Mr. Parag Kotecha, Advocate.
For Respondent/State	:	Ms. Smriti Shrivastava, Panel Lawyer.
For Objector	:	Ms. Pushpalata Khalkho, Advodate

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

15/01/2021

- 1) This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 22/09/2020 passed by the Additional Sessions Judge (F.T.S.T.), Rajnandgaon (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 11/07/2020 in connection with Crime No. 273/2020 for the offence punishable under Sections 376 & 506 of IPC, under Sections 4 & 6 of POCSO Act and under Section, 3(1)(b) & 3(2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Dongargarh, District Rajnandgaon (C.G.).

- 2) Learned counsel for the appellant submits that the impugned order rejecting the appellant's bail application has been passed by the Additional Sessions Judge (F.T.S.C.), Rajnandgaon and not by the Special Court under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The present appeal has wrongly been filed under Section 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Therefore, he may be permitted to withdraw this appeal with liberty to file duly constituted bail petition before appropriate Bench. He also prays for return of certified copy of the impugned order.
- 3) In view of the above, the present appeal is **dismissed as withdrawn** with aforesaid liberty.
- 4) Registry is directed to return certified copy of the impugned order to the Counsel for the appellant on his furnishing true authenticated xerox of the same.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant