

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 815 of 2020

- Mukesh Singh Maar son of Pradeep Singh Maar, aged about 20 years, Resident of Amdanda, Thana Balrampur, District – Balrampur-Ramanujganj (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, through Police Station – Ramanujganj, District Balrampur-Ramanujganj (C.G.)

---- Respondent/State

For Appellant	:	Shri A.K. Yadav, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, Government Advocate
For Objector/Complainant	:	Shri Dheerendra Pandey, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Judgment on Board

23.02.2021

1. This appeal by the accused/appellant under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 14.09.2020 passed by the Special Judge, (SC/ST Act), Balrampur place Ramanujganj, District Balrampur-Ramanujganj (C.G.) in Special Sessions (SC/ST Act) Case No. 20/2019, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 04.05.2019 in connection with Crime No. 79/2019 for the offence punishable under Sections 366 & 376 (2) (n) of IPC and Section 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Ramanujganj, District Balrampur-Ramanujganj (C.G.).
2. Allegation against the appellant is that on the pretext of marriage, he abducted the prosecutrix and committed forcible sexual intercourse with her.

It is alleged that thereafter the appellant has continuously made physical relations with the prosecutrix.

3. Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He submits that the prosecutrix and the appellant were having affair, she had willingly gone with the appellant and he is ready to marry her. He also submits that the appellant is in jail since 04.05.2019 and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
4. On the other hand, learned counsel for the State as well as learned counsel for the objector oppose the appeal. Learned counsel for the objector submits that the prosecutrix is not ready to marry the appellant.
5. I have heard learned counsel for the parties.
6. Considering the facts and circumstances of the case, the fact that the prosecutrix is a major girl, she had eloped with the appellant, number of times both made physical relations, she visited Tatapani Power House and several other place without raising any hue and cry, that looking to the age of the appellant, he is in jail since 04.05.2019, conclusion of the trial is likely to take some time and that there is no apprehension of the appellant tampering with the evidence or absconding and the appellant has no criminal antecedents as admitted by both the counsel, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is allowed and the impugned order is set aside.
7. It is directed that in the event of 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 the following conditions:-

- i. 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.
- ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial.
- iii. he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. he shall not involve himself in any offence of similar nature in future.

Sd/-

(Gautam Chourdiya)
Judge

vatti