

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 791 of 2020

1. Smt. Ganga Bai W/o Aghan Singh, Aged About 26 Years, R/o Jogikhar, District Bilaspur (C.G.). Present Address Keshalpur, Thana Katghora, District Korba (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh, Through Police Station AJAK Korba, District Korba (C.G.).

---- Respondent

For Appellant	:	Mr. Vikas Pandey, Advocate.
For Respondent/State	:	Dr. (Ms.) Veena Nair, Dy. Advocate General.

CRA No. 792 of 2020

1. Aghan Singh S/o Shiv Lala Singh, Aged About 56 Years, Resident of Jogisar, District Bilaspur (CG.). Present Address Keshalpur, Thana Katghora, District Korba (C.G.).

----Appellant

Versus

2. State Of Chhattisgarh, Through Police Station AJAK Korba, District Korba (C.G.).

---- Respondent

For Appellant	:	Mr. Vikas Pandey, Advocate.
For Respondent/State	:	Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

15/01/2021

- 1) Heard.

- 2) As both theses appeals arises out of the same crime number they are being disposed of by this common judgment.
- 3) These appeals by the accused/appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are directed against the order dated 17/09/2020 & 22/09/2020 passed by the Special Judge (SC/ST Act), Korba (C.G.), refusing to allow their regular bail under Section 439 Cr.P.C. The appellants are in jail since 04/09/2020 in connection with Crime No. 187/2019 for the offence punishable under Sections 363/34, 366/34, 366(A), 373/34, 376 & 368/34 of Indian Penal Code, under Section 4 of POCSO Act and under Sections 3(2)(v), 3(1)(w) & 3(2)(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station AJAK, District Korba (C.G.).
- 4) Case of the prosecution, in brief is that father of the prosecutrix lodged a missing report that on 07/07/2019 the prosecutrix, a minor girl of 14 years has gone without informing anybody. During inquiry on 20/07/2019 the prosecutrix was recovered from the custody of appellant Ganga Bai. The prosecutrix disclosed that appellant Ganga Bai took her to Raigarh and from there she was taken to Chennai by the appellants and during this period she was forced to make physical relations with many persons. It is alleged that when the prosecutrix objected to the act of the appellants, she was beaten and threatened by them. On report being lodged to the above effect, offence under the aforesaid section has been registered against the appellants.
- 5) Learned counsel for the appellants in both the appeal submits that the appellants are innocent persons and have been falsely implicated in this case. He further submits that the appellants are in jail since 04/09/2020, charge sheet have been filed and conclusion of the trial is likely to take some time. Therefore, the appellants be released on bail.

- 6) Learned counsel for the State also opposing the submission made by the appellants counsel submits that the trial Court has rightly rejected the bail applications of the appellants and there is no illegality or infirmity in the same warranting interference by this Court.
- 7) Heard learned counsel for the parties & perused the case dairy.
- 8) Pitambar Singh, father of the prosecutrix appeared before this Court on 04/01/2021 and vehemently objected to release of the appellants on bail.
- 9) Considering the facts and circumstances of the case, the nature of allegations against the appellants, the prosecutrix was a minor girl below 16 years of age, she was subjected to sexual intercourse by 3 persons, the conduct of the appellants, without commenting anything on merits of the case, this Court finds no illegality or perversity in the order impugned of the trial Court rejecting the bail application of the appellant.
- 10) In the result, the appeal being without any substance is liable to be dismissed and is, accordingly **dismissed**.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant