

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 809 of 2020

- Kailash Kashyap S/o. Aashram Kashyap, aged about 28 years, residing at Village Korta, P.S. Bakawand, District Bastar (C.G.)

---- Appellant

Versus

- State of Chhattisgarh Through : The Police Station Outpost Bakawand, P.S. Adim Jati Kalyan Thana, Jagdalpur, District Bastar (C.G.)

---- Respondent/State

For Appellant	:	Shri Pravin Kumar Tulsyan, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, Government Advocate

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

04.01.2021

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 28.09.2020 passed by the Special Judge (SC/ST Act), Jagdalpur, District Bastar (C.G.) in Bail Application No. 12/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 25.09.2020 in connection with Crime No. 123/2020 for the offence punishable under Sections 341 & 354 of IPC and Section 3(1) (w) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Outpost Bakawand, P.S. Adim Jati Kalyan Thana, Jagdalpur, District Bastar (C.G.)
2. Prosecutrix/victim appeared before this Court in person and she has objection to grant of bail to the appellant by this Court.
3. Allegation against the present appellant is that on the date of incident, when the prosecutrix was returning from the grocery shop, the appellant and his associate came to the prosecutrix on motorcycle and took her to Nilgiri Plant, where the appellant tried to outrage her modesty. When the prosecutrix shouted, Guddu, Vinod, Fagnu and Mangal reached there and the appellant

fled from there.

4. Learned counsel for the appellant submits that the appellant has been falsely implicated in this case. He further submits that the appellant is in jail since 25.09.2020, he has no criminal antecedents, and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
5. On the other hand, learned counsel for the State opposes the appeal.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the fact that the appellant is in jail since 25.09.2020 and conclusion of the trial is likely to take some time, 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.
8. 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