

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 837 of 2020

1. Shivkumar Sahu S/o Ramulal Sahu, Aged About 52 Years, R/o Village Bajrang Chowk, Semra, Police Station Sihawa, District Dhamtari (C.G.).

----Appellant

Versus

1. The State Of Chhattisgarh, Through, Station House Officer, Police Station - Sihawa, District - Dhamtari (C.G.).

---- Respondent

For Appellant	:	Shri Rishikant Mahobia, Advocate.
For Respondent/State	:	Shri Vimlesh Bajpai, Govt. Advocate.
For Objector	:	Shri Akash Pandey, Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

11/01/2021

- 1) This appeal by the accused/appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 21/09/2020 passed by the Special Judge (S.C./S.T.), Dhamtari (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 25/08/2020 in connection with Crime No. 82/2020 for the offence punishable under Sections 306, 489(A) of Indian Penal Code and under Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sihawa, District - Dhamtari (C.G.).
- 2) Case of the prosecution, in brief is that marriage of the son of the present appellant was solemnized with the deceased on 11/06/2020 and just after 20 days of the marriage the deceased committed suicide by hanging due to harassment and torture

meted out by the appellant. On report being lodged to the above effect, offence under the aforesaid section has been registered against the appellant.

- 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 necessary ingredients for attracting the offence 306 of IPC are missing in this case. He lastly submits that the appellant is in jail since 25/08/2020, charge sheet already been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
- 4) Learned counsel for the State also opposing the submission made by the appellant's counsel submits that the trial Court has rightly rejected the bail application of the appellant and there is no illegality or infirmity in the same warranting interference by this Court.
- 5) Shri Akash Pandey, learned counsel for the Objector has no objection to grant of bail to the appellant.
- 6) Heard learned counsel for the parties & perused the case dairy.
- 7) Considering the facts and circumstances of the case, the nature allegation made against the appellant, age of the appellant, his detention period, no objection raised on behalf of the counsel for the Objector, charge sheet has already been filed and that conclusion of trial is likely to take some time, without commenting anything on 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**. 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, and
- 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**

Chandrakant