

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Appeal No. 978 of 2021**

- Santosh Das S/o Late Shri Jagdish Das, aged about 34 years, R/o Kabir Kuti Ashram Bamhnidih, Police Station Bamhnidih, District Janjgir-Champa (C.G.)

---- Appellant

Versus

- State of Chhattisgarh Through : Station House Officer, Police of Police Station Bamhnidih, District Janjgir-Champa (C.G.)

----State/Respondent

For Appellant	:	Shri T.K. Jha, Advocate
For Respondent /State	:	Shri Adil Minhaz, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Judgment on Board****28.09.2021**

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 03.09.2021 passed by the Special Sessions Judge (Atrocities), Janjgir, District Janjgir-Champa (C.G.) rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 03.09.2021 in connection with Crime No. 36/2021 for the offence punishable under Sections 354, 376, 506-B of IPC and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Bamhnidih, District Janjgir-Champa (C.G.).
2. As per case diary, the appellant is Acharya and he is Saint of Kabir Ashram Bamhnidih. Allegation against the appellant is that he committed rape upon the prosecutrix who is 18 years of age.
3. Learned counsel for the appellant submits that the appellant has been falsely implicated in this crime. He submits that the appellant is in jail since 03.09.2021, conclusion of the trial is likely to take some time, therefore, the

appellant may be released on bail. He also submits that compromise has taken place between the prosecutrix and the appellant and the prosecutrix has no objection to grant of bail to the appellant.

4. On the other hand, learned counsel for the State opposes the appeal.
5. As per State counsel, notice has been served upon the mother of the prosecutrix, but neither she is present nor is there any representation on her behalf.
6. Considering the facts and circumstances of the case, as per statement of the prosecutrix recorded under Section 164 Cr.P.C., she stated that the appellant committed rape upon her and her statement is supported by the medical evidence, though the learned counsel for the appellant submitted that the compromise has taken place between the prosecutrix and the appellant and the prosecutrix has no objection to grant of bail to the appellant, but considering the nature of allegation made against the present appellant for committing rape upon the prosecutrix, without commenting anything on merits of the case, this Court is not inclined to release the appellant on bail. The order impugned of the trial Court rejecting the appellant's bail application does not suffer from any illegality or perversity. Accordingly, the present appeal being without any substance is hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge