

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 801 of 2020**

- Rahul Namdev S/o Rajabhaiya Namdev, aged about 22 years, (wrongly mentioned as 42 years in the certified copy of order) R/o ward No. 08, Village Bandhi Station, Tahsil Bahoriband Bandhi, Katni, Police Station Slimnabad Road Bandhi (M. P.).

---- Appellant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station Sirgitti, District- Bilaspur (C.G.).

---- Respondent

For Appellant	:Shri Hemant Kumar Agrawal, Advocate
For Respondent/State	:Shri Dinesh Tiwari, Dy. G. A.
For Objector	: Shri Amit Kumar, Advocate

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****04.01.2021**

1. Heard.
2. The appellant has filed this appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 24.09.2020 passed in Crime No. 396/2020 by Special Sessions Judge (Atrocities Act), Bilaspur District – Bilaspur rejecting his application under Section 439 of the Cr.P.C. The appellant is in jail since 12.09.2020 in connection with offences under Sections 376 (2) (n) & 506 of IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station –Sirgitti, District –Bilaspur

(C.G.).

3. According to the case of the prosecution, the prosecutrix and the accused were having friendship through Instagram App. After the friendship, the accused came at Bilaspur and on false pretext of marriage, committed sexual intercourse with her 3 to 4 times within two months. When the prosecutrix asked the accused for marriage he refused to marry her, hence a written complaint was lodged by the prosecutrix. On the basis of the said written complaint, the report has been registered under crime No. 396/2020 under Section 376 (2) (n) & 506 of IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case. The prosecutrix is a major girl aged about 22 years and no any false promise of marriage was given by the accused. He also submits that the prosecutrix & the accused were friends on Instagram App. He further submits that continuously for two months, they had physical relationship. Therefore, no offence is committed by the appellant and it is prayed that he be released on bail.
5. Counsel for the objector/Prosecutrix is present before this Court and he has no objection to the application filed by the appellant to release him on bail.
6. On the other hand, learned counsel for the State opposes the submission made by counsel for the appellant and supports the impugned order.
7. Having heard learned counsel for the parties, having considered the nature and quality of evidence collected by prosecution, the accused

& prosecutrix were major at the time of incident, they were having affair and physical relationship continuously for two months, FIR was lodged on 26.08.2020, charge sheet has already been filed, the fact that there is no apprehension of the accused/appellant tampering with the evidence or absconding as stated by both the counsels for the parties and that disposal of the trial is likely to take some time, without commenting on merits of the case, I am 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 for the amount 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**