

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 819 of 2020**

- Rahul Rajwade, S/o Devchand Rajwade, aged about 19 Years, Caste Rajwar, R/o Village Nawabandh, Police Station Darima, District Surguja Chhattisgarh.

---Appellant

Versus

- State of Chhattisgarh, Through Police Station Aajak (Harijan Prakost), Ambikapur District Surguja Chhattisgarh.

---- Respondent

For Appellant	Mr. Dashrath Kushwaha, Advocate.
For State	Dr. (Ms.) Veena Nair, Deputy A.G.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****04/01/2021**

1. This appeal by the accused/appellant under Section 14-A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is directed against the order dated 24.09.2020 passed by the Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Ambikapur, District Surguja, C.G. in Bail Application No.646/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 20.09.2020 in connection with Crime No.10/2020 for the offence punishable under Section 376(2)(n) of Indian Penal Code and under Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police

Station Ajak (Harijan Prakost), Ambikapur, District Surguja, C.G.

2. Allegation against the appellant is that he was having illicit physical relations with the prosecutrix and he married the prosecutrix but the family members of the appellant did not accept the prosecutrix and thereafter she went to the police station and lodged the FIR against the appellant.
3. Learned counsel for the appellant submits that appellant is an innocent person and has been falsely implicated in this case. He also submits that there was love affair between the appellant and the prosecutrix and that she was a consenting party and appellant performed marriage with the prosecutrix and out of their wedlock one child was born. In these circumstances, *prima facie*, no offence can be made out against the appellant. He is in custody since 20.09.2020 and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. Prosecutrix has appeared through Video Conferencing along with her counsel Shri Satendra Kumar Tiwari from DLSA, Ambikapur and she has not raised any objection to the application filed by the appellant to release him on bail.
5. Learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, in particular no

objection on behalf of the prosecutrix to grant of bail to the appellant, that both prosecutrix and appellant are ready to live together, the appellant is in jail since 20.09.2020 and conclusion of 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 application 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