

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Criminal Appeal No. 805 of 2020**

- Faneshwar Kumar S/o Rameshwar, Caste Teli, aged about 33 years, R/o Village Chichbod, Tehsil and Thana Balod, District Balod (C.G.)

**---- Appellant**

**Versus**

1. State of Chhattisgarh, Through : S.H.O., P.S. Ranchirai, District Balod (C.G.)

**---- Respondent/State**

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| For Appellant        | : | Shri Vijay Kumar Sahu, Advocate                         |
| For Respondent/State | : | Shri Dinesh Kumar Tiwari,<br>Deputy Government Advocate |

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

**19.01.2021**

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 05.10.2020 passed by the Special Judge, (SC/ST) Act, Balod, District Balod (C.G.) in Bail Application No. 314/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 29.09.2020 in connection with Crime No. 115/2020 for the offence punishable under Sections 454, 354 & 509 of IPC and Section 3(1) (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Ranchirai, District Balod (C.G.).
2. In this case, notice has been served upon the prosecutrix and photocopy of service report has been submitted by the State counsel, which is taken on record. But, neither the prosecutrix is present nor is there any representation on behalf of her.

3. Allegation against the appellant is that he tried to outrage the modesty of the prosecutrix. Therefore, the written report was lodged by the prosecutrix against the appellant on 28.09.2020 at Police Station - Ranchirai, District Balod (C.G.).
4. Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He also submits that the appellant is in jail since 29.09.2020, charge-sheet has been filed 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 appellant is in jail since 29.09.2020, he is the first offender, charge-sheet has already been filed, conclusion of the trial is likely to take some time and that there is no apprehension of the appellant tampering with the evidence or absconding and the appellant has no criminal antecedents as admitted by both the counsel, 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

vatti