

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1004 of 2021**

- Salman Hussain @ Shalu, S/o Anwar Hussain, aged 26 years, R/o village Belpahad, Jashpur, Tahsil and District Jashpur (C.G.)

---- Appellant**Versus**

- State of Chhattisgarh, Through : Police Station - City Kotwali, Jashpur, District Jashpur (C.G.)

---- Respondent

For Appellant	:	Mr. Sanjay Agrawal, Advocate
For Respondent	:	Mr. Akhtar Hussain, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****23/11/2021**

1. The appellant has preferred this criminal appeal under Section 14(A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of bail, as he is arrested in connection with Crime No.170/2021, registered at Police Station - City Kotwali, Jashpur, District Jashpur (C.G.) for the offence punishable under Sections 376, 341, 392 IPC and Section 3 (2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity), Act, 1989 (for short 'the Act 1989').
2. The allegation against the present appellant is that on 01.09.2021, he committed rape with the prosecutrix and also looted Rs.6000/- from her. Based on this, offence has been registered against the appellant and he is languishing in jail since 04.08.2021.
3. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the case. He further submits that according to the medial report, no external or internal injury has been

found on the body of the prosecutrix. He also submits that F.I.R. of the incident was lodged after three days of the incident and no plausible explanation has been given by the prosecutrix in this regard. He also submits that even if the entire story is taken as it is, there is absolutely no element that the appellant committed the offence because prosecutrix belongs to the reserved category.

4. On the other hand, learned counsel for the State opposed the bail application.
5. The complainant did not appear before this Court despite service of notice.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant is in custody since 04.08.2021 and charge sheet has been filed, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the appeal is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge