

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 829 of 2020

- Sukhdev Kaushal S/o Shri Bihari Lal Kaushal, aged about 20 years, By Caste – Mahara, R/o Village- Sawantpur, Thana – Sargaon, District Mungeli (C.G.)

---- Appellant

Versus

1. State of Chhattisgarh, through the District Magistrate Mungeli, District Mungeli (C.G.)

---- Respondent/State

2. Kashiram Dhruv S/o Shri Dannuram Dhruv, aged about 48 years, R/o Village – Sawantpur, Thana – Sargaon, District Mungeli (C.G.)

---- Respondent/Complainant

For Appellant	:	Shri Sunil Sahu, Advocate
For Respondent/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate
For Respondent/Complainant	:	Shri D.K. Vishwakarma, Advocate

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

06.01.2021

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 13.10.2020 passed by the Special Judge, SCST(PA) Act 1989, Mungeli (C.G.) in Special Sessions Case No. 42/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 08.07.2020 in connection with Crime No. 163/2020 for the offence punishable under Sections 363, 366 & 376 of IPC; Sections 4 & 6 of the Protection of Children from Sexual Offences Act and Section 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Sargaon, District Mungeli (C.G.).
2. Allegation against the appellant is that on the pretext of marriage, he

abducted the prosecutrix and committed forcible sexual intercourse with her.

3. Complainant/father of the prosecutrix namely Kashiram Dhruv along with his counsel appeared before this Court in person and they have objection to grant of bail to the appellant by this Court.
4. Learned counsel for the appellant submits that the appellant is an innocent persons and has been falsely implicated in this case. He further submits that the prosecutrix had gone with the appellant on her own will. He also submits that the appellant is in jail since 08.07.2020 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 and learned counsel for the complainant oppose the appeal.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the fact that as per 164 Cr.P.C. statement of the prosecutrix recorded on 09.07.2020, she stated that she had gone with the appellant on her own will and that the appellant is in jail since 08.07.2020 and conclusion of the 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 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