

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 838 of 2020**

- Vipin Jha S/o Late Shri Prasann Kumar Jha Aged About 42 Years R/o Ralas Enclave, Near Gayatri Hospital, Daganiya, Police Station DDU Nagar, District Raipur, Chhattisgarh.

---- appellant

Versus

- State Of Chhattisgarh Through The Police Station DDU Nagar, District Raipur, Chhattisgarh.
- Poornima Minz, aged 26 years, W/o Ramashankar Giri, R/o Sector 4, DDU Nagar, P.S. DDU Nagar, District- Raipur Chhattisgarh.

---- Respondents

For Appellant	:Shri Devershi Thakur, Advocate
For Respondent/State	:Shri Samir Uraon, G. A.

And**CRA No. 866 of 2020**

- Kamal Parwani S/o Late Vijay Parwani Aged About 39 Years R/o - Ralas Enclave, Near Gayatri Hospital, Danganiya, P.S.- D.D. Nagar, Distt.- Raipur (Chhattisgarh).

---- appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - D.D. Nagar, Distt.- Raipur (Chhattisgarh).

---- Respondent

For Appellant	: Shri S. Nandy, Advocate on behalf of Shri Anoop Majumdar, Advocate
For Respondent/State	:Shri Samir Uraon, G. A.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****11.01.2021**

1. Heard.
2. As both these appeals arise out of the same crime number they are being disposed of by this common order.
3. The appellants have filed both the appeals under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 14.10.2020 passed in Crime No. 336/2020 by learned Special Judge (Atrocities Act), Raipur District – Raipur rejecting their application under Section 439 of the Cr.P.C. The appellants are in jail since 11.10.2020 in connection with offences under Sections 354, 294, 34 of IPC and Section 3 (1) (b) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station –D. D. Nagar, District- Raipur (C.G.).
4. According to the case of the prosecution, on 11.10.2020 at about 12.30 pm the prosecutrix who belongs to Scheduled Tribe was going to his house by Scooty with her husband. Near Matraseva hospital, Gol Chowk the accused person teased the prosecutrix and assaulted her husband and abused him (husband of the prosecutrix). On the basis of the written complaint, the report has been registered under crime No. 336/2020 under Sections 354, 294, 34 of IPC and Section 3 (1) (b) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
5. Learned counsels for the appellants in both appeals submit that the appellants have been falsely implicated in crime in question. It is also

submitted that the appellants neither had knowledge about the caste of complainant, nor they knew them they were strangers and incident took place due to issue of wrong driving. Therefore, no offence is committed by the appellants and it is prayed that they be released on bail.

6. Neither the prosecutrix is present in person nor is there any representation on her behalf though notice has been duly served with the notice.
7. On the other hand, learned counsel for the State opposes the submission made by counsels for the appellants and supports the impugned order.
8. Having heard learned counsel for the parties, having considered the facts & circumstances and the allegation made against the appellants, charge sheet has already been filed, the fact that there is no apprehension of the accused/appellants 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 appellants. Accordingly, the appeals are allowed. It is directed that in the event of appellants executing a personal bond for a sum of Rs. 50,000/-each with two sureties for the amount of Rs. 25,000/-each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions :-

- (i) they 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) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- (iii) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
- (iv) they shall not involve themselves in any offence of similar nature in future.

Sd/-

Gautam Chourdiya
Judge

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