

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 855 of 2020

1. Rakesh Barai S/o Thakur Barai, Aged About 29 Years, R/o Village PV 63, Balrampur, Thana Pratappur, Tahsil Pakhanjore, District Uttar Baster Kanker (C.G.).

----Appellant

Versus

1. The State Of Chhattisgarh Through Police Station Antagarh, District Uttar Baster Kanker (C.G.).

---- Respondent

For Appellant : Ms. Bhavika Kotecha, Advocate.
For Respondent/State : Ms. Shubha Shrivastava, Panel Lawyer.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

11/01/2021

- 1) This appeal by the accused/appellant under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 23/07/2020 passed by the Special Judge (S.C.S.T.), Uttar Bastar Kanker (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 09/04/2020 in connection with Crime No. 25/2020 for the offence punishable under Sections 363, 366, 376 & 506 of Indian Penal Code, under Section 4 & 6 of POCSO Act and under Sections 3(1)(w) & 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Antagarh, District Uttar Baster Kanker (C.G.).
- 2) Case of the prosecution, in brief is that on the date of incident i.e. on 06/04/2020 in the night the appellant came to the shop of the prosecutrix, a minor girl of 17 years and took her away on his motorcycle on the threat of life in a house where he committed

forcible sexual intercourse with her repeatedly and on the next day also committed the same act with her. On report being lodged to the above effect, offence under the aforesaid section has been registered against the appellant.

- 3) Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He submits that the appellant is in jail since 09/04/2020, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
- 4) Learned counsel for the State also opposing the submission made by the appellant's counsel submits that the trial Court has rightly rejected the bail application of the appellant and there is no illegality or infirmity in the same warranting interference by this Court.
- 5) Heard learned counsel for the parties & perused the case dairy.
- 6) Niresh Manjhi, father of the prosecutrix has appeared in person and vehemently objected to released of the appellant on bail.
- 7) Considering the facts and circumstances of the case, the fact that the prosecutrix is a minor girl whereas the appellant is a married man of 29 years, statements of the prosecutrix under Section 161 & 164 of Cr.P.C., without commenting anything on merits of the case, this Court finds no illegality or perversity in the order impugned of the trial Court rejecting the bail application of the appellant.
- 8) In the result, the appeal being without any substance is liable to be dismissed and is, accordingly **dismissed**.

-Sd/-
(Gautam Chourdiya)
Judge