

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 876 of 2020**

- Taslim Khan S/o Nasruddin, Aged About 24 Years R/o Village Pahiya, Police Station Chandoura, Tehsil Pratappur, District Surajpur Chhattisgarh.
---- **Applicant**

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Ajak, Balrampur, District Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For appellant : Shri Arun Kumar Shukla, Advocate
For Respondent/State : Shri Sameer Oraon, G.A.

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

1. This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, R/W 439 of the Code of Criminal Procedure, 1973 is directed against the order dated 16.10.2020 passed by the Special Judge (ST/SC), Ramanujganj, District- Balrampur-Ramanujganj (C.G.) in Crime No. 41/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Sections 376(2)(N), 420 of IPC and Section 3(2)(v) of the SC/ST Act, registered at Police Station-AJAK, Balrampur, District- Balrampur-Ramanujganj (C.G.). The appellant is in jail since 27.08.2020.
2. As per prosecution case the prosecutrix /victim lodged a written report at the Police Station to the effect that the appellant on the pretext of marriage forcible sexual intercourse with her for the first time at Makro Nala thereafter repeated the said act whenever he get opportunity. The appellant took sum of Rs. 1,70,000/- from the prosecutrix for getting her admission in Nursing Course which was given by her after taking loan but he did not get her admission and purchased motorcycle from the said amount and went to Ajmer. According to the prosecutrix the appellant again had physical relation with her on 24.07.2020 at Ambikapur.
3. Learned counsel for the appellant submits that the allegations against the appellant are false and fabricated, he is falsely implicated in the case. He submits that prosecutrix is 30 years old major lady and she was having relationship with the appellant and prosecutrix was a

consenting party. He further submits that incident took place on 12.02.2018, FIR was lodged on 18.08.2020, that the appellant/accused is in jail since 27.08.2020, he has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.

4. On the other hand, learned State Counsel opposes prayer for grant of bail. He further submits that the appellant has no criminal antecedents.
5. Prosecutrix is present in person and she has not raised any objection to the appeal filed by the appellant to release him on bail.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegations, age of the prosecutrix i.e. 30 years and age of the appellant i.e. 24 years, the fact that the appellant and the prosecutrix were having physical relationship since 2018 and F.I.R. was lodged after long delay, no objection raised by the prosecutrix to grant of bail to the appellant, detention period of the appellant and the fact that the appellant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the appeal is allowed. It is directed that in the event of the 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 following conditions:-

- (a) 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.
- (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

**(Gautam Chourdiya)
Judge**