

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 858 of 2020

1. Rajendra Kumar S/o Purushottam Aged About 28 Years Caste Ghasiya R/o Village Kawalgiri, P. S. And Tehsil Udaipur, District Surguja (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh Through Station House Officer, P.S. Udaipur, District Surguja (C.G.).
2. Smt. Ganeshwari Singh W/o Late Basant Singh R/o Village Kawalgiri, P. S. And Tehsil Udaipur, District Surguja (C.G.).

---- Respondents

For Appellant	:	Mr. Nishi Kant Sinha, Advocate.
For Respondents/State:		Ms. Smriti Shrivastava, Panel Lawyer.
For Objector	:	Mr. Amit Singh, Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

12/01/2021

- 1) This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 29/09/2020 in Bail Application No. 660/2020 passed by the Special Judge (Atrocities), Surguja Ambikapur (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 27/08/2020 in connection with Crime No. 110/2020 for the offence punishable under Sections 294, 506, 323, 302, 147 & 148 of Indian Penal Code and under Sections 3(m)(n) & 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Udaipur, District Surguja (C.G.).

- 2) Case of the prosecution, in brief is that when the villagers were dancing during course of immersion of lord Ganesha, a dispute arose between the deceased Basant Singh and Harish Thakur on which Harish Thakur, Ashok Thakur, the present appellant Bunty @ Rajendra Kumar and other villagers assaulted deceased Basant Singh with club, stick, hands and fists as a result of which the deceased sustained grievous injury over head and other parts of the body and succumbed to the same during treatment. 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 27/08/2020, 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 as well as for the complainant also opposing the submission made by the appellant's counsel submit 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) Considering the facts and circumstances of the case, the complaint made by complainant Ganeshwari Singh and the statement of eye witness Rom Singh Thakur @ Romharkan Singh wherein it is stated that the deceased was assaulted by Harish Thakur and Ashok Thakur, FSL report not supporting the prosecution case in respect of seizure of club from the appellant, charge sheet has already been filed, the detention period of the appellant and that conclusion of trial is likely to take some time, without commenting anything on 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**. 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, and
- 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

Chandrakant