

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 913 of 2020

1. Bhupendra Sahu S/o Shukhan Sahu, Aged About 25 Years, R/o Village Semera, Police Station Ratanpur, Tahsil Ratanpur, District Bilaspur (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh Through Station House Officer, Police Station Ratanpur, District Bilaspur (C.G.).

---- Respondent

For Appellant	:	Mr. Vatan Sahu, Advocate.
For Respondent/State	:	Dr. (Ms.) Veena Nair, Dy. Advocate General.
For Objector	:	Mr. Dilman Rati Minj, Advocate.

Hon'ble Justice Shri Gautam Chourdiya
Judgment On Board

28/01/2021

- 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 20/10/2020 in Bail Application No. 1455/2020 passed by the Additional Sessions Judge (F.T.C.), District Bilaspur (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 19/08/2020 in connection with Crime No. 489/2020 for the offence punishable under Section 376 of Indian Penal Code and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Ratanpur, District Bilaspur (C.G.).
- 2) Case of the prosecution, in brief is that on 18/08/2020 the prosecutrix lodged a written report at the Police Station that she is a member of scheduled tribes community and the appellant, a Police constable on the pretext of marriage established physical

relations with her since 2017 to May 2020. It is also alleged that the appellant obtained about Rs. 10 lakh to Rs. 12 lakh from the prosecutrix for purchase of land and construction of house. However, the appellant married some other girl in June 2020 and when the prosecutrix objected to it, he abused her in the name of her caste and refuse to marry her.

- 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 prosecutrix is a grown up widow lady of 37 years having a child. He further submits that the appellant is in jail since 19/08/2020, charge sheet has been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Prosecutrix appeared in person alongwith Mr. Dilman Rati Minj, counsel for the complainant/Objector and raised objection to grant of bail to the appellant.
- 6) Heard learned counsel for the parties & perused the case dairy.
- 7) Considering the facts and circumstances of the case, the conduct of the prosecutrix, in particular the fact that she is well grown up widow lady of 37 years having a daughter, the detention period of the appellant, charge sheet has already been filed, 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