

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 868 of 2020

1. Naimur Rehman Quereshi S/o S.R. Quereshi, Aged About 60 Years, Occupation Service (PHE Department), Permanent R/o Kumhar Gali, Vidisha (Madhya Pradesh). Presently R/o Kathikpara, Namnakala, Police Station Gandhinagar, Tahsil Ambikapur, District Surguja (C.G.).

----Appellant

Versus

1. State Of Chhattisgarh Through The Station House Officer, P.S. AJAK, Ambikapur, Civil and Revenue District Ambikapur, District Surguja (C.G.).

---- Respondent

For Appellant	:	Shri Jitendra Shrivastava, Advocate.
For Respondent/State	:	Shri Dinesh R.K. Tiwari, Dy. Govt. Advocate.

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 29/10/2020 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 arrest in connection with Crime No. 12/2020 for the offence punishable under Sections 376(2)(n), 376(2)(b) & 313 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 AJAK, Ambikapur, District Surguja (C.G.).
- 2) Case of the prosecution, in brief is that the prosecutrix lodged a report against the appellant stating therein that in the year 2016-17 when she came to Ambikapur for studying, the appellant on

enticement of money and bearing her expenses kept her with him and thereafter subjected her to forcible sexual intercourse. It is also alleged that the prosecutrix got pregnant due to the said act of the appellant which was got aborted by him through some medicine.

- 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 prosecutrix is a major lady, she was in physical relation with the appellant since 2016, a report was lodged with an inordinate delay of 4 years after the alleged incident, the applicant is 60 years old heart patient and conclusion of the trial is likely to take some time. In these circumstances, 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) Prosecutrix appeared before this Court through video conferencing from DLSA, Ambikapur 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 fact that the prosecutrix is a major lady, the incident is said to have taken place in 2016 whereas report was lodged after 4 years in 2020, the age of the appellant and fact 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