

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 907 of 2020

- Afzal Rehman, Aged about 32 years S/o Mohammed Ismail, R/o Shankargarh Palitapara, P.S. Shankargarh, District Balrampur-Ramanujganj (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, through Police Station of Shankargarh, District Balrampur- Ramanujganj (C.G.)

---- State/Respondent

For Appellant	: Shri Pragalbha Sharma, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, Government Advocate
For Objector	: Shri Rekhraj Baghel, Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment on Board

10.03.2021

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 14.10.2020 passed by the Special Judge (SC/ST Act), Ramanujganj, District Balrampur place Ramanujganj (C.G.) in Bail Application No. 483/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 29.08.2020 in connection with Crime No. 91/2020 for the offence punishable under Sections 376, 506 & 384 of IPC and Sections 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station- Shankargarh, District Balrampur-Ramanujganj (C.G.).
2. Prosecution case in brief is that the prosecutrix belongs to scheduled tribe community being of Uraon caste, she was posted as N.A.M. in during the year 2014 to 2020 at PHC, Bharatpur. The appellant and husband of the prosecutrix are colleague and used to work in the same department. The

allegation against the appellant is that on 04.05.2018, when the prosecutrix was alone in her house, the appellant came there, made her drink forcefully and after that he made forcible physical relations with her. The appellant made a video of her and later blackmailed her by threatening her of making her video viral. Therefore, F.I.R. was lodged by the prosecutrix against the appellant in Police Station Shankargarh, District Raipur on 28.08.2020.

3. On 11.02.2021, prosecutrix was present in person before this Court alongwith her husband and she had raised objection to grant of bail to the appellant.
4. Learned counsel for the appellant submits that the prosecutrix is major and married lady and the appellant has been falsely implicated in this case by the prosecutrix. He further submits that the appellant is in jail since 29.08.2020 and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
5. On the other hand, learned counsel for the State as well as learned counsel for objector oppose the appeal.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the fact that the prosecutrix was posted as N.A.M. at Baratpur from the year 2014 to 2020 and during this period she interacted with the appellant, on 04.05.2018 first physical relation was allegedly made by the appellant with the prosecutrix, there is long delay for about two years in lodging the F.I.R. and no report was lodged or any complaint was made during this period, the prosecutrix is a married lady, detention period of the appellant who is 32 years old, charge-sheet has already been filed, conclusion of the trial is likely to take some time and he has no criminal antecedent as stated by the both the counsel, there is no apprehension of the appellant tampering with the evidence or absconding, without expressing any opinion on the 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 and the impugned order is set aside.

8. 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/- 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.
- 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