

HIGH COURT OF CHHATTISGARH, BILASPURCRA No.1143 of 2021

1. Santosh Kumar Chhippi S/o Shri Satyanarayan Chhippi @ Satnarayan Chhippi Aged About 41 Years (Wrongly Mentioned as 25 years in the impugned order dated 10-9-2021), R/o village Sayarra (wrongly mentioned as Sayar Rai, Near Mission Chowk Ambikapur In The Impugned Order Dated 10-09-2021) Police Station Lundra, District Surguja Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Aadim Jati Kalyan Ambikapur , District Surguja Chhattisgarh.

---- Respondent

For Appellant	Mr. Rishi Rahul Soni, Advocate
For Respondent /State	Mr. Anshuman Shrivastava, Panel Lawyer
For objector	Mr. A.N. Pandey, Advocate

Order on BoardByHon'ble Shri Justice Goutam Bhaduri7/12/2021

1. The present appeal is arising out of order dated 10-9-2021 passed by the Special Judge (Atrocities), Surguja, Ambikapur, in BA No.810/2021 (Spl. ST No.6/2001).
2. The appellant has preferred this appeal under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act, 1989') for grant of bail under Section 439 of the Cr.P.C. as he has been arrested in

connection with Crime No.39/2000, registered at Police Station Aadim Jati Kalyan, Ambikapur, Sarguja, CG, for offence punishable under Section 376 of the Indian Penal Code and under Section 3(2)(v) & 3(1)(xii) of the Act, 1989.

3. As per the prosecution case on 15-6-2000 the appellant entered into the house of the prosecutrix; committed forcible sexual intercourse; and thereafter fled away.
4. Learned counsel for the appellant would submit that the appellant has been falsely implicated in the case. The medical report would show that the prosecutrix was habituated to sexual intercourse. According to him, though it has been alleged that there is forcible rape, but no injury was found on the body of the prosecutrix. Hence, the appellant may be enlarged on bail.
5. Learned counsel for the State as well as learned counsel for the objector, *per contra*, would oppose the prayer for grant of bail.
6. Considering the entire facts situation of the case and particularly considering the statement of the prosecutrix and for the fact that the appellant was absconding for nearly about two decades, as the alleged incident took place on 15-6-2000 and the appellant has been arrested on 16-3-2021, I am of the opinion that present is not a fit case to release the appellant on bail.
7. In the result, the appeal, *sans* merit, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Gowri