

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1129 of 2021**

- Akash Deep Mahant S/o Shri Anil Kumar Mahant, aged about 19 years, R/o village Nandeli, Police Station Pusore, District Raigarh (C.G.)

---- Appellant**Versus**

- State of Chhattisgarh, Through : The Station House Officer, Police of Police Station AJAK Raigarh, District Raigarh (C.G.)

---- Respondent

For Appellant	:	Mr. Roop Naik, Advocate
For Respondent	:	Mr. Akash Pandey, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****17/11/2021**

1. The appellant has preferred this criminal appeal under Section 14(A) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of bail, as he is arrested in connection with Crime No.151/2021, registered at Police Station - AJAK Raigarh, District Raigarh (C.G.) for the offence punishable under Section 376 IPC and Section 3 (1) b (1) and 3 (2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity), Act, 1989 (for short 'the Act 1989').
2. The allegation against the present appellant is that the complainant/prosecutrix and the present appellant got acquainted in a canteen where they used to cook food. The appellant gave proposal of marriage to her. From 17.02.2021 and on several occasions the appellant committed sexual intercourse with her on the pretext of

marriage. It has been further alleged that on 21.06.2021, the applicant, after sexual intercourse with prosecutrix, fled away from village and switched off his mobile phone.

3. Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the case. He further submits that the appellant and complainant/prosecutrix is in love with each other and he has not committed any sexual intercourse with the prosecutrix knowingly that she belongs to Scheduled Caste. He also submits that even if the entire story is taken as it is, there is absolutely no element that the appellant acted in such manner because she belongs to the reserved category.
4. On the other hand, learned counsel for the State opposed the bail application.
5. The complainant appeared before this Court via video conferencing and submits that she has no objection to the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant is in custody since 26.07.2021 and charge sheet has been filed, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the appeal is allowed.
9. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the concerned trial Court for his

appearance before the said Court as and when directed,
till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

pkd