

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 916 of 2020

- Mahendra Kumar Diwan S/o Phooldas Diwan, aged about 23 years, R/o Village- Chitalanka, Tehsil and District – Dantewada, C.G., at present R/o Bhiragaon, PS, Tehsil- Bhanupratappur, District- Uttar Baster Kanker (C.G.)

---- Appellant

Versus

1. State of Chhattisgarh, through the Police Station- Bhanupratappur, District- Uttar Baster Kanker (C.G.)

---- Respondent/State

For Appellant	:	Shri Shobhit Koshta, Advocate
For Respondent/State	:	Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J
Judgment on Board

11.01.2021

1. This appeal by the accused/appellant under Section 14A (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, (SC/ST) Act, Uttar Baster, Kanker (C.G.) in Bail Application No. 210/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 11.10.2020 in connection with Crime No. 185/2020 for the offence punishable under Sections 294, 323 & 365 of IPC and Section 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Bhanupratappur, District Uttar Baster Kanker (C.G.).
2. Allegation against the appellant is that the appellant and prosecutrix/complainant were having affair and they were in relationship. Thereafter some differences arose between the appellant and the prosecutrix. On 09.10.2020 when the complainant had gone to Puttarwahi

Primary School for doing her work, the appellant came there abusing her filthily and asked her to come alongwith him. On refusal of the complainant, the appellant started beating her and forcibly took her into his car and thereafter dropped her at Police Station Kotwali, Dantewada. The complainant sustained injury on her head, hands and leg. Therefore, the report was lodged by the complainant against the appellant.

3. Prosecutrix appeared before this Court in person and she has objection to grant of bail to the appellant by this Court.
4. Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. He also submits that the appellant is in jail since 11.10.2020 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 opposes the appeal.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the nature of offence alleged against the appellant, he is in jail since 11.10.2020 and conclusion of the trial is likely to take some time, 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/- 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.
- 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

vatti