

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 932 of 2020**

Deepak Kumar Patel, Aged about- 23 years, S/o- Kumar Ram Patel,  
R/o- Villasge Garhpichwadi, Tahsil- Kanker, District- Uttar Bastar  
Kanker (C.G.) **----- Appellant**

**Versus**

The State of Chhattisgarh, Through SC/ST Police Station, District-  
Uttar Bastar Kanker (C.G.) **----- Respondent**

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For appellant : Shri Parag Kotecha, Advocate  
For Respondent/State : Dr.(Ms.) Veena Nair, Dy.A.G.

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**Hon'ble Justice Shri Gautam Chourdiya****Order on Board****13.01.2021**

1. This appeal by the accused/appellant under Section 14 A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 05.11.2020 passed by the Special Judge (SC/ST Act), Uttar Bastar Kanker (C.G.) in Crime No. 03/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 376, 376 (2)(द), 506 (B) of IPC and Section 3 (1) (अ), 3 (2) (V) of SC/ST Act, as mentioned in the order, registered at Police Station- AJJAK, Kanker, District- Uttar Bastar Kanker (C.G.). The appellant is in jail since 02/11/2020.
2. Prosecution case is that on 27.04.2017 the present appellant on the pretext of marriage made forcible physical relation with the prosecutrix when she was all alone at her home. The prosecutrix was minor at the time of incident and she is a member of Scheduled Tribes category. The present appellant made forcible physical relation with the prosecutrix since 27.04.2017 continuously for three years and later refused to marry the prosecutrix.

3. Learned counsel for the appellant submits that the allegations against the appellant are false and fabricated, F.I.R. was lodged after a long delay of the incident, that the appellant has no criminal antecedents, he is in jail since 02.11.2020 and conclusion of the trial is likely to take some time, therefore, at this stage, he may be granted bail.
4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that prima-facie case is made out against the appellant because on the pretext of marriage the present appellant made forcible physical relation with the prosecutrix who was below 16 years of age. Learned State counsel submits that the appellant has no criminal antecedents.
5. Though the prosecutrix has been duly served with the notice, neither she is present in person nor is there any representation on her behalf.
6. Having considered the submission made by learned counsel for the parties, that the prosecutrix was below 16 years age at the time of incident, on the pretext of marriage the appellant continuously sexually exploited her and subsequently refused to marry her. Without expressing anything on merits of the case, this Court finds no illegality or infirmity in the impugned order of the trial Court. Rejecting the bail application of the appellant.
7. Accordingly, the appeal being without any substance is hereby dismissed.

**Sd/-**

**(Gautam Chourdiya)**  
**Judge**