

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 939 of 2020

1. P. Sandeep Kumar S/o P. Shri Niwasrao, Aged About 27 Years, R/o Aspatal Para Konta, Tahsil Konta, District Sukma (C.G.).

---- Appellant

Versus

1. State Of Chhattisgarh, Through Station House Officer Police Station Konta, District Sukma (C.G.).

---- Respondent

For Appellant : Mr. Tarendra Kumar Jha, Advocate.
For Respondent/State : Mr. Sameer Uraon, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

18/01/2021

- 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 30/09/2020 passed by the Additional Sessions Judge (Fast Track Court), South Bastar Dantewada (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 10/07/2020 in connection with Crime No. 28/2020 for the offence punishable under Section 376(A)(B) of IPC, under Section 6 of POCSO Act and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Konta, District Sukma (C.G.).
- 2) This appeal has been filed against the order dated 30/09/2020 passed by Additional Sessions Judge (Fast Track Court), South Bastar Dantewada (C.G.) and not by the special Judge under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, the present appeal is not

tenable under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

- 3) Learned counsel appearing for the appellant seeks to withdraw this appeal with liberty to file duly constituted bail petition before appropriate Bench. He also prays for return of certified copy of the impugned order.
- 4) Shri Karam Rajesh, complainant present in person today.
- 5) The present appeal being not maintainable is **dismissed as withdrawn** with the liberty as sought for.
- 6) Registry is directed to return certified copy of the impugned order to the Counsel for the appellant on his furnishing true authenticated xerox of the same.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant