

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 910 of 2020

- Ashish Kumar Singh @ Aju S/o Late Shri Bhopal Singh Aged About 39 Years R/o - Village Near Teacher's Colony, Ward - 7, Rajhara P.S. Rajhara Distt. Balod (Chhattisgarh). **---- Appellant**

Versus

- State Of Chhattisgarh Through - The Sho, Police Station - Rajhara Distt. Balod (Chhattisgarh). **---- Respondent**

For Appellant	: Shri Vipin Tiwari, Advocate
For Respondent/State	: Dr. Veena Nair, Dy. A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

11/01/2021

- 1) Prosecutrix is present in person and she has not raised any objection to the appeal filed by the appellant to release him on bail.
- 2) This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, R/W 439 of the Code of Criminal Procedure, 1973 is directed against the order dated 10.07.2020 passed by the Special Judge (ST/SC), Balod (C.G.) in Crime No. 377/2019, refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Sections 363, 376 (1), 506 (B) of IPC and Section 3, 4 of the POCSO and Section 3(1)(I) and 3(2)(V) of the SC/ST Act, registered at Police Station- Rajhara, District- Balod (C.G.).The appellant is in jail since 27.12.2019.
- 3) The allegation against the present appellant is that on 25.12.2019 at about 22.30 Hrs. he kidnapped the prosecutrix, a minor girl and committed forcibly sexual intercourse with her on threat.
- 4) Learned counsel for the appellant submits that the applicant has been falsely implicated due to the previous enmity between mother of the prosecutrix and the present appellant in this case. He further submits that the appellant is in jail since 27.12.2019 and the appellant has no

criminal antecedent and trial is likely to take some time for its conclusion therefore, he may be granted bail.

- 5) On the other hand, learned State Counsel opposes the prayer for grant of bail and submits that prima-facie case is made out because prosecutrix is minor girl. On the day of incident she was below 15 years of age and the appellant made physical relation with the minor girl and it is clear from the medical report of the prosecutrix that she was sexually abused.
- 6) Having regard to the facts and circumstances of the case, the gravity of the offence and looking to the fact that the prosecutrix is minor and aged about 15 years of age and as per medical report she was sexually abused, without expressing anything on merits of the case, this Court finds no illegality or infirmity in the impugned order of the trial Court.
- 7) Accordingly, the appeal being without any substance is hereby dismissed.

Sd/-
(Gautam Chourdiya)
Judge

Nadim