

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 933 of 2020**

- Tush Kumar @ Pappu, S/o Hiralal Sonwani, aged about 28 years, Caste- Panika, R/o- Sadak Dafai, Haldibadi, P.S.- Chirmiri; District- Koriya, (C.G.).

---- appellant

Versus

- State Of Chhattisgarh Through Police Station- AJAK, Baikunthpur, District- Koriya, C.G.

---- Respondent

For Appellant

:Mr. Pushkar Sinha, Advocate

For Respondent/State

:Dr. (Ms.) Veena Nair, Dy. A. G.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****12.01.2021**

1. Heard.
2. The appellant has filed the appeal under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 09.11.2020 passed in Crime No. 36/2020 by learned Special Judge (Atrocities Act), Baikunthpur District – Koriya rejecting his application under Section 439 of the Cr.P.C. The appellant is in jail since 26.10.2020 in connection with offences under Sections 454, 354 of IPC and Section 3 (1) (w) (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station –AJAK, Baikunthpur, District- Koriya (C.G.).

3. According to the case of the prosecution, on 26.10.2020 at about 03.00 pm when the prosecutrix was at her home, the appellant came there and asked her for marriage and caught hold of her hand when the prosecutrix resisted he (present appellant) abused her filthily. Due to which the report has been registered under crime No. 36/2020 under the aforesaid Sections.
4. Learned counsel for the appellant submits that the appellant has been falsely implicated in crime in question. It is also submitted that there was enmity between the prosecutrix and appellant so a false report has been lodged against the present appellant. No offence is committed by the appellant and it is prayed that he be released on bail.
5. The prosecutrix is connected through video conferencing from District Legal Services Committee, Baikunthpur Koriya and she objected for grant of bail to the appellant.
6. On the other hand, learned counsel for the State opposes the submission made by counsels for the appellants and supports the impugned order.
7. Having heard learned counsel for the parties, having considered the facts & circumstances and the allegation made against the appellant, the detention period of the appellant, charge sheet has already been filed, the fact that there is no apprehension of the accused/appellant tampering with the evidence or absconding as stated by both the counsels for the parties and that disposal of the trial is likely to take some time, without commenting on merits of the case, I am of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is allowed. It is directed that in the event of

appellant executing a personal bond for a sum of Rs. 50,000/- with two sureties for the amount 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, and
- (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**