

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 956 of 2020**

- Chandrakant @ Lala Verma S/o Rajendra Verma, Aged About 24 Years R/o Village Nagadha, Chowki Maro, Police Station Nandghat, District Bemetara Chhattisgarh. ---- **Appellant**

Versus

- State Of Chhattisgarh Through The District Magistrate, Bemetara, District Bemetara Chhattisgarh. ---- **Respondent**

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

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 05.11.2020 passed by the Special Judge (SC/ST Act), Bemetara (C.G.) in Crime No. 236/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 450 & 376 (3) of IPC and Section 4 & 6 of POCSO Act and Section 3 (2) (v) of SC/ST Act, registered at Police Station- Nandghat, District- Bemetara (C.G.). The appellant is in jail since 10.08.2020.
2. Prosecution case is that on 02.08.2020 at night when the prosecutrix was alone at her room, the present appellant entered into the house of the prosecutrix and forcibly committed rape on the prosecutrix, at that time prosecutrix screamed and when the uncle-anty of the prosecutrix heard the sound of the prosecutrix they came out from the room, try to catch the appellant but he somehow escaped from there.

3. Learned counsel for the appellant submits that the allegations against the appellant are false and fabricated. It is submitted that the appellant and the prosecutrix are having long standing love affair, the prosecutrix forced the appellant to come to her house, that the appellant has no criminal antecedents, he is in jail since 10.08.2020 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 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, material collected against the present appellant, age of the prosecutrix that she was below 16 years age at the time of incident, without expressing anything on merits of the case and looking to the facts and circumstances of the case I am not inclined to grant bail to the appellant and 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