

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 921 of 2020**

- Lalla Yadav Alias Suresh Yadav S/o Late Bharat Yadav Aged About 27 Years Resident Of Boirdadar, Vinobhanagar, Ward No. 25, Near Sai Kirana Shop, Police Station Chakradharnagar, Tahsil and District Raigarh Chhattisgarh. **---- Appellant**

Versus

- State Of Chhattisgarh Through The Police Station Punjipathra, Raigarh, District Raigarh Chhattisgarh. **---- Respondent**

For appellant : Shri Hari Agrawal, Advocate
 For Respondent/State : Smt. Smriti Shrivastava, P.L.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****11.01.2021**

1. This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, R/W 439 of the Code of Criminal Procedure, 1973 is directed against the order dated passed by the Special Judge (ST/SC), Raigarh (C.G.) in Crime No. 203/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 509(B) of IPC and Section 67 (2) of I.T. Act and Section 3 (2) (v) of the SC/ST Act, registered at Police Station- Punjipathra, District- Raigarh (C.G.). The appellant is in jail since 27.10.2020.
2. As per prosecution case, the prosecutrix got acquainted with the appellant from September, 2019 and they were talking to each-other over mobile phone till March, 2020. During this period the appellant took selfie with the prosecutrix kissing her. Further, after sometime they stopped talking to each-other. On 11.10.2020 the appellant with intention to defame the prosecutrix forwarded the said selfie with a caption " contact for sex" to the mobile on the prosecutrix and her brother in law. On the report being lodged to the above fact, aforesaid offence has been registered against the present appellant.
3. Learned counsel for the appellant submits that the allegations against the appellant are false and fabricated, he is falsely implicated in the case. He submits that the necessary ingredients for attracting under Section 3 (2)(v) of the SC/ST Act are missing in this case. The

appellant is in jail since 27.10.2020 and that the appellant has no criminal antecedent 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. He further submits that the appellant has no criminal antecedents.
5. Prosecutrix is present in person and she has raised objection to the appeal filed by the appellant to release him on bail.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, age of the prosecutrix that she is major, detention period of the appellant and the fact that the appellant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the appeal is allowed. It is directed that in the event of the appellant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, he shall be released on bail on following conditions:-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

**(Gautam Chourdiya)
Judge**