

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 957 of 2020**

Chuleshwer Verma @ Konda Verma, Aged about 22 years, S/o- Fatteram Verma, R/o- Village – Koliha, P.O.- Lawan, (P.O. wrongly mentioned in order sheet as op Lawan), P.S. Kasdol, District- Baloda-Bazar-Bhatapara (C.G.) ----- **Appellant**

Versus

The State of Chhattisgarh, Through S.H.O. Police Station- Lawan, P.S. Kasdol, District- Baloda-Bazar-Bhatapara (C.G.) ----- **Respondent**

For appellant	: Shri Ravindra Sharma, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, G.A.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board****20.01.2021**

1. This appeal by the accused/appellant under Section 14 (A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 20.11.2020 passed by the Special Judge (SC/ST Act), Balodabazar (C.G.) in Crime No.660/2020 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 294, 450, 376 of IPC, Section 4 of POCSO Act and Section 3 (2) (V-A) of SC/ST Act, registered at Police Station- Chowki Lawan, Kasdol, District- Baloda-Bazar - Bhatapara (C.G.). The appellant is in jail since 17.11.2020.
2. Prosecution case is that the prosecutrix and her father lodged report on 16.11.2020 at about 03.00 p.m. stating in the said report that on the day of incident the family members of the prosecutrix had gone field Accordingly, the appeal being without any substance is hereby dismissed.for agriculture work and at that time the appellant entered into the house of the prosecutrix, used filthy language against prosecutrix regarding her caste and committed rape on the prosecutrix, the prosecutrix shouted and

neighbor of the prosecutrix came there and caught the appellant.

3. Learned counsel of the appellant submits that the allegations against the appellant are false and fabricated, that the appellant has been falsely implicated by the prosecutrix under the pressure of her family members, without clinching evidence and medical evidence police arrested the appellant, that the appellant has no criminal antecedents, he is in jail since 17.11.2020 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 appellant made forcible physical relation with the prosecutrix who was minor at the time of incident, however, the appellant has no criminal antecedents.
5. Prosecutrix is present in person alongwith her mother and the prosecutrix vehemently objected to the appeal filed by the appellant for grant of bail.
6. Having considered the submission made by learned counsel for the parties, that the prosecutrix was below 17 years of age at the time of incident, FIR promptly lodged on the same day, MLC also conducted on the same day of the incident, the appellant caught on the spot, looking to the age of the prosecutrix, conduct of the appellant/accused, 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