

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 948 of 2020

- Amarjit Singh Chawla S/o Sardar Jogendar Singh Chawla, Aged About 44 Years R/o Royal Green Junwani Road, Bangla No. 4, Durg, District Durg Chhattisgarh. **---- Appellant**

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

----Respondent/State

For Appellant	:	Shri Amiyakant Tiwari, Advocate
For Respondent/State	:	Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

21.01.2021

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 10.11.2020 passed by the Special Judge SC/ST (PA) Act 1989, Bilaspur (C.G.) in Crime No. 867/2019 refusing to allow his regular bail under Section 439 of Cr.P.C. for the offence punishable under Section 420 of IPC and Section 3 (1) (ब) (1,2) 3 (1) (द) (घ) (1,2) of the SC/ST Act, registered at Police Station- Sarkanda , District- Bilaspur (C.G.). The appellant is in jail since 07.11.2020.
2. Case of the prosecution in brief is that the complainant namely Anita Hansda, lodged a report against the appellant that he took certain amount from her in the year 2018 for preparation of income-tax return as also for opening a business for her son. It is alleged that the appellant also obtained money from her for getting her loan for opening of petrol pump in the year 2019 and as such the appellant obtained total sum of Rs. 3,65,000/- from the complainant fraudulently. When the complainant demanded

her money back, the appellant knowing well that she is a member of Scheduled Castes, with intention to humiliate her, abused her filthily and tried to outrage her modesty.

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 elder sister of the present appellant is running boutique shop, the complainant had purchased some articles from the said shop of his elder sister and all those bills are mentioned as Annexure A-2 to 25-A and she was deposited the amount against the said purchase. The victim falsely lodged report against the appellant, the appellant is in jail since 07.11.2020 and charge-sheet has already been filed and conclusion of trial is likely to take some time, therefore, he may be released on 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. Counsel for the complainant submits that looking to the Whatsapp messages sent by the complainant, the amount is deposited in the account of the sister of the appellant and considering the other documents filed as Annexure A-2 to 25 A, the appellant is not entitled for bail.
6. Having considered the submission made by learned counsel for the parties, taking into consideration the nature of allegation, transaction between the complainant and the appellant, he is in jail since 07.11.2020 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

Nadim