

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 9315 of 2020**

- Shravan Kumar Diwan, aged 47 Years, S/o Reshamlal, R/o Mukta P.S. Dabhra, District Janjgir Champa Chhattisgarh.

----Applicant

**Versus**

- State of Chhattisgarh, Through Station House Officer, Chandrapur, District Janjgir Champa Chhattisgarh.

----Respondent

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| For Applicant | Mr. K. Rohan, Advocate on behalf of Mr. Ajay Ayachi, Advocate. |
| For State     | Dr. (Ms.) Veena Nair, Deputy A.G.                              |

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

**21/01/2021**

1. The applicant has preferred this application under Section 439 of Cr.P.C. as he is in jail since 08.10.2020 in connection with Crime No.95/2020 registered at Police Station- Chandrapur, District Janjgir-Champa, C.G. for the offence punishable under Sections 376, 509B, 506 of Indian Penal Code, under Sections 67, 68(A) of I.T. Act and under Sections 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.
2. The matter is listed for order on default as the present MCRC has wrongly been filed instead of Criminal Appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989.
3. Learned counsel for the applicant seeks to withdraw the present bail application with liberty to file a duly constituted Criminal Appeal under

Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989. However, he prays for return of certified copy of the impugned order.

4. Accordingly, the bail application stands dismissed as withdrawn with the aforesaid liberty.
5. Registry is directed to return the certified copy of the impugned order to the counsel for the applicant on his furnishing true authenticated Xerox of the same.

Sd/-  
Gautam Chourdiya  
Judge

Akhilesh