

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1296 of 2021**

- Vishal Dubey S/o Raja Ram Aged About 38 Years R/o Kanaujdevitola, P. S. Kanauj, District Kanauj U. P.

---- Appellant (In jail)**Versus**

- The State Of Chhattisgarh Through The Police Station Tapkara, District Jashpur Chhattisgarh

---- Respondent

For Appellant	: Shri Shrikant Kaushik, Advocate on behalf of Shri AK Prasad, Advocate
For Respondent/State	: Shri Anand Verma, Dy GA
Prosecutrix present through DLSA Jashpur	

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

02.12.2021

1. This Criminal Appeal under Section 14(A)(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (henceforth 'SCST Act') has been preferred against the order dated 31.08.2021 by which learned Special Judge, SCST Act, Jashpur, District- Jashpur CG, rejected application of appellant for grant of regular bail in connection with Crime No.32 of 2020 registered at Police Station Tapkara, District- Jashpur for commission of offence punishable under Sections 365, 370, 366, 376, 506 and 34 of the IPC and Sections 3(2)(v), 3(1)(B)(i), 3(1)(h) of SCST Act.

2. Case of the prosecution is that in the month of January, 2020, co-accused Chandini Bai visited to her parental house along with appellant. During that period, she visited the house of prosecutrix and stayed there for a night. Co-accused Chandini Bai allured prosecutrix that she may come along with them to work at Kanpur, where she may get handsome wages. Coming into the words of appellant and co-accused, prosecutrix joined them and went along with them

to Raigarh, and from there, to Kanpur. After some time, prosecutrix returned to her house and thereafter, she along with her father went to Police Station and lodged report making allegations against appellant and other co-accused persons of commission of aforesaid offences, based upon which above crime is registered and appellant was arrested on 26.11.2020.

3. Shri Shrikant Kaushik, learned counsel for the appellant would submit that allegations levelled against appellant are absolutely false and baseless. He has not committed any offence as alleged. He also submits that other two co-accused persons Ravi Kumar Dixit and Amit Kumar Dixit have been enlarged on regular bail in CRA-685 and 389 of 2021 respectively. It is also pointed out that during pendency of this application, prosecutrix got examined before trial Court on 26.07.2021, wherein she has not supported prosecution case and was declared hostile. Copy of which is filed as Annexure A2.

4. On the other hand, Shri Anand Verma, learned State counsel opposing the submissions of learned counsel for the appellant, submits that serious allegations have been levelled against appellant in statement of prosecutrix recorded under Section 161 and 164 of CrPC.

5. Prosecutrix submits that she having no objection in granting bail to applicant.

6. I have heard learned counsel for the parties.

7. Taking into consideration facts and circumstances of the case, nature of allegations against appellant, the fact that prosecutrix herself returned to her house and further, submission of learned counsel for the appellant relying on Annexure-A2, stating that prosecutrix has not supported case of prosecution, and submission of prosecutrix who appeared before this Court through virtual mode from DLSA Jashpur, without commenting anything on merits of the case, I am inclined to enlarge the appellant on bail.

8. Accordingly, appeal is allowed. It is directed that the appellant shall be released on regular bail upon furnishing personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one local surety in the like sum to the satisfaction of the concerned Court on the condition that:

- a) Appellant shall appear before the trial Court concerned regularly on each and every date, unless exempted from appearance.
- b) Appellant shall not in any manner, tamper with the prosecution witnesses.
- c) If the Appellant found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE