

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 1003 of 2020**

- Sohan Lal Sinha, S/o Shri Narayan Lal Sinha, age 26 Years, R/o Village Tengna, Barpara, P. S. Gurur, District Balod, Chhattisgarh.

**----Appellant****Versus**

1. State of Chhattisgarh, Through the Police Station D. D. Nagar, District Raipur Chhattisgarh.
2. Alfa Kanwar, D/o Shri Anil Kanwar, age 26 Years, R/o Santoshi Nagar, Prince Colony, In Front of Children Academy School, Pete House, P. S. Tikrapara, District Raipur Chhattisgarh.

**---- Respondent**


---

|               |                                           |
|---------------|-------------------------------------------|
| For Appellant | Shri Anchal Kumar Matre, Advocate.        |
| For State     | Shri Vimlesh Bajpai, Government Advocate. |

---

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

**17/02/2021**

1. This appeal by the accused/appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is directed against the order dated 05.12.2020 passed by the Special Judge (Atrocities), Raipur, District Raipur, C.G., refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 18.10.2020 in connection with Crime No.198/2020 for the offence punishable under Section 376 of Indian Penal Code and under Section 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station- D.D. Nagar, District Raipur, C.G.

2. Allegation against the accused/appellant by the prosecutrix is that on the pretext of marrying her, appellant committed sexual intercourse with her. She also alleged that she was having love affair with the appellant for the last two years prior to lodging of the FIR i.e. 24.06.2020 and appellant continuously made physical relations with her. On report to the above effect being lodged by the prosecutrix, offence under the aforesaid sections were registered against the accused/appellant.
3. Learned counsel for the appellant submits that appellant is an innocent person and has been falsely implicated in this case. He also submits that there was love affair between the appellant and the prosecutrix, who is a major lady of 26 years, and that she was a consenting party. In these circumstances, *prima facie*, no offence can be made out against the appellant. He is in custody since 18.10.2020 and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. Prosecutrix appeared before this Court and she has not raised any objection to the appeal filed by the appellant to release him on bail.
5. Learned counsel for the State opposes the bail application.
6. Heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, in particular no objection on behalf of the prosecutrix to grant of bail to the appellant, the fact that the appellant and prosecutrix were having

love affair prior to lodging of the FIR and there had been physical relations between them on number of occasions and no complaint was earlier lodged by the prosecutrix against the appellant regarding forcible sexual intercourse, *prima-facie* the age of the prosecutrix i.e. 26 years, the detention period of the appellant and that there is no likelihood of the appellant tampering with the evidence or absconding as admitted by both the counsel and conclusion of trial may take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is allowed. It is directed that in the event of 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 the following conditions:-

- (i) 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,
- (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) he shall not involve himself in any offence of similar nature in future.

Sd/-  
Gautam Chourdiya  
Judge

