

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 1015 of 2020**

- Ramnaresh @ Rakesh, S/o Shri Ram Panika, aged about 32 Years, Caste - Panika, R/o Village - Tanjra, Police Station - Sonhat, District - Koriya Chhattisgarh.

----Appellant**Versus**

- State of Chhattisgarh, Through - Station House Officer, Police Station - Adim Jati Kalyan (Ajak), Baikunthpur, District - Koriya Chhattisgarh.

---- Respondent

For Appellant	Shri Sachin Singh Rajput, Advocate.
For State	Shri Sameer Uraon, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

23/02/2021

1. This appeal by the accused/appellant under Section 14-A(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is directed against the order dated 25.11.2020 passed by the Special Judge (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act), Koriya, Baikunthpur, C.G., refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 16.09.2020 in connection with Crime No.07/2020 for the offence punishable under Sections 450, 376 of Indian Penal Code and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station- Adim Jati Kalyan (AJAK), Baikunthpur, District Koriya, C.G.

2. Allegation against the accused/appellant by the prosecutrix is that on 04.03.2020 at about 2:00 pm, appellant entered her house and committed forcible sexual intercourse with her. After hearing her hue and cry, her relatives came there and on seeing them the appellant fled from there. 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 submits that appellant has not committed sexual intercourse with the prosecutrix. The ingredients necessary for attracting the offence alleged against the appellant are missing in this case. He also submits that due to land dispute between the appellant and the family members of the prosecutrix, appellant has been falsely implicated in this case. In these circumstances, *prima facie*, no offence can be made out against the appellant. He is in custody since 16.09.2020 and conclusion of the trial is likely to take some time. Therefore, he may be released on bail.
4. Learned counsel for the State opposes the bail application.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the manner in which the incident is said to have taken place, the conduct of the prosecutrix, her age i.e. 28 years, further considering the statements of Teerathmuni, mother-in-law and Vifaiya Bai, no physical injury was found on the body of the prosecutrix, 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