

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 1245 of 2021

Gulab Yadav S/o Shri Heeralal Yadav, Aged About 37 Years,
 R/o Ward No. 15 Goutiyapara, Chanwaridand, Police Station
 Manendragarh, District Koriya, Chhattisgarh.

---- **Petitioner**

Versus

State of Chhattisgarh Through Station House Officer, Police of
 Police Station Ajak Baikunthpur, District Koriya, Chhattisgarh.

---- **Respondent**

For Petitioner	: Shri Anil Gulati, Advocate
For State	: Shri Raghvendra Verma, Govt. Advocate

Hon'ble Shri Parth Prateem Sahu, Judge
Order on Board

22.11.2021

1. This petition is filed seeking correction in paragraphs No.1 and 8 of impugned order whereby this Court while allowing criminal appeal filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, allowed the appeal and passed an order granting anticipatory bail to the petitioner.

2. Learned counsel for the petitioner would submit that petitioner has filed Criminal Appeal No.899 of 2021 with a prayer for grant of regular bail mentioning specifically that the appellant was arrested on 26.03.2021. He submits that the error as appearing in impugned order is a clerical and typographical error or error on the part of the Court, hence, correction in impugned order is required to be made.

3. Learned State counsel submits that from contents of impugned order, it is appearing that counsel for appellant therein has made submission that appellant is in jail since 23.06.2021 and the Court also considered the detention period of appellant therein in paragraph-6 of impugned order.
4. I have heard learned counsel for the parties and perused impugned order.
5. In criminal appeal proceedings wherein appeal was allowed, notices were issued to complainant/victim/prosecutrix, which was served upon her and in proceedings dated 30.09.2021 in Criminal appeal No.899 of 2021, it is recorded that no one appeared on behalf of complainant/prosecutrix/victim either in person or through authorized representative.
6. Considering the memo of appeal, pleadings made in Criminal appeal No.899 of 2021 records of which is tagged along with this petition would show that prayer made in the appeal is for release of appellant/petitioner on regular bail, hence, petition is allowed and in paragraph No.1 of impugned order, it will be read as :

“This appeal under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 arises out of the rejection of the application for regular bail vide impugned order dated 05.07.2021 filed under Section 439 of Cr.P.C. in connection with Crime No.09 of 2021, registered at Police Station AJAK Baikunthpur, District Koriya, Chhattisgarh, for offence defined under Sections

376(2)(n), 323 r/w Section 34, 312, 313 of IPC, Section 4, 5 of C.G. Tonhi Pratadana Adhiniyam and Section 3(2)(v)(a) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989”.

7. Similarly, paragraph-8 of impugned order be read as :

“Accordingly, the appeal is allowed and it is directed that the appellant be released on bail in connection with Crime No.09 of 2021 on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that :

a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If the appellant is 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.”

8. The order passed in this petition shall also be made part of the record of Criminal Appeal No.899 of 2021.

9. This petition is allowed as ordered above.

Sd/-

(Parth Prateem Sahu)
Judge