CGHC010344222026

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HARNEET KAUR

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2303 of 2026

1 - Ashok Agrawal S/o Ramavtar Agrawal Aged About 46 Years R/o Village Baramkela Ward No. 10, Post Office Gali Bazar Para, P.S. Baramkela, District Sarangarh-Bilaigarh (C.G.)

... Appellant

versus

1 - State Of Chhattisgarh Through Thana In-Charge, P.S. Baramkela, District Sarangarh-Bilaigarh (C.G.)

... Respondent

For Appellant	:	Mr. Rajendra Tripathi, Advocate
For Respondent /State	:	Mr. Dharmesh Shrivastava, Dy. A.G.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment on Board

12/10/2026

1. The appellant has preferred this Criminal Appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the SC/ST Act") for

setting aside of order dated 20/08/2026 passed by the Special Judge SC/ST Act (Atrocities), Raigarh whereby the regular bail application filed by the appellant under Section 483 of BNSS in connection with Crime No. 104/2026 registered at Police Station - Baramkela, District Sarangarh (C.G.) for commission of offence punishable under Sections 75(2), 75(3), 78(2), 79, 296, 351(3) of BNS and Section 3(2)(v-a) of the SC/ST Act, 1989 has been rejected.

2. Case of the prosecution, in brief, is that on 01/08/2026, complainant/victim, who is a member of Scheduled Caste community, lodged a report at Police Station Baramkela that on 31/07/2026 at about 5 PM, the appellant followed the victim and finding her alone near the staircase of a rented house, caught hold of her and made obscene remarks and gestures intending to outrage her modesty and when she resisted, the appellant allegedly threatened to kill her and thereafter, fled from the spot. On the basis of the said report, the aforesaid offences were registered against the appellant.

3. Mr. Rajendra Tripathi, learned counsel appearing for the appellant, would contend that the appellant is innocent and he has falsely been implicated in the offence in question. He would further submit that though 11 cases were registered against the appellant between 2009-2023 under preventive measures, but all those cases have been disposed of in accordance with law and there is no live criminal antecedent of the appellant. It is also contended

that investigation has already been completed and charge-sheet has been filed and moreover, the appellant is in jail since 07/08/2026 and conclusion of trial will likely take some time, therefore, the appellant be released on bail. With regard to the offence punishable under Section 3(2)(v-a) of the SC/ST Act, 1989, he would submit that there is no issue of social status of the victim and there is no such allegation in the FIR as well.

4. On the other hand, Mr. Dharmesh Shrivastava, learned counsel appearing for the non-applicant/State, opposes the criminal appeal and the submission made by learned counsel for the appellant. He would submit that the appellant knew very well that the victim belonged to Scheduled Caste community and yet he made obscene gestures and remarks intending to outrage the modesty of the victim. Thus, he would submit that the appeal deserves to be dismissed.

5. The victim appeared before this Court through video conferencing from the concerned DLSA on 06/10/2026 and raised objection in grant of bail to the appellant.

6. I have heard learned counsel for the parties, perused the case diary and went through the material available on record.

7. Having considered the allegations made against the appellant and further considering that charge-sheet has been filed and appellant is in jail since 07/08/2026 and conclusion of trial will likely take some time, and considering that 11 cases registered against the appellant under preventive measures have already been disposed

of, without expressing any opinion on the merits of the case, this Court finds it appropriate to grant bail to the appellant.

8. Accordingly, the instant appeal is **allowed** and the order dated 20/08/2026 passed by the learned Special Judge, SC/ST Act (Atrocities), Raigarh is hereby **set-aside**. The **Appellant – Ashok Agrawal** be released on bail on furnishing personal bond with two sureties in the like sum to the satisfaction of the Court concerned with the following conditions:-

> (i) The appellant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law;
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> (ii) The appellant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against his under Section 269 of Bharatiya Nyaya Sanhita;
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> (iii) In case, the appellant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the appellant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita; &
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> (iv) The appellant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the

opinion of the trial court absence of the appellant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

9. However, this Court hopes and trust that the trial Court should make an earnest endeavour to conclude the trial as expeditiously as possible.

10. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Harneet