



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 675 of 2023

- Nawab Jat S/o Shri Poorn Singh, Aged About 24 Years R/o. Village - Janwa, Police Station - Chhaisa, District - Faridabad (Haryada)

--- Appellant.

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Sakti, District - Sakti (Chhattisgarh) **--- Respondent.**

CAUSE TITLE DOWNLOADED FROM CIS PERIPHERY

For Appellant : Mr. Paras Mani Shriwas, Adv.
For Respondent/State : Mr. Lalit Jangde, Dy. GA.

Hon'ble Shri Justice Deepak Kumar Tiwari
Order On Board

21.04.2023

1. This accused/appellant who has been arrested on 10.12.2022 has filed this appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short the "SC/ST Act") for grant of regular bail in connection with Crime No.425/2022 registered at Police Station Sakti, District Sakti for the offence punishable under Section 376 of IPC and Section 3 (2) (v) of the SC/ST Act.

2. Case of the prosecution, in brief, is that prosecutrix who is married lady lodged an FIR against the appellant on 10.12.2022 to the effect that two years ago she and her husband gone for work at Faridabad (Haryana) at bricks industry of the appellant. Thereafter, on 08.12.2022 the appellant came to the house of the complainant at District Sakti. Thereafter, on 09.12.2022 in the night at 8 PM her husband after having dinner with his nephew and the appellant, gone to drop his nephew to his sister's house. Thereafter, when the complainant was all alone in her house, the appellant taking benefit of such situation committed rape with her, and at the same time,





husband of the complainant came there and on seeing him, the appellant ran away from the spot.

3. Learned counsel for the appellant submits that the accused/appellant is innocent and has been falsely implicated in the crime in question. He further submits that prosecutrix is consenting party and medical evidence does not support the case of the prosecution. He also submits that appellant is languishing in jail since 10.12.2022 and final conclusion of the trial is likely to take considerable period. Therefore, the appellant may be released on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for bail. He also submits that as the matter relates to SC/ST Act, notice has been served on the complainant, however, no one appeared on her behalf.

5. Having considered the submission of learned counsel for the parties, further considering the facts and circumstances the case, nature of accusation and also considering the period of pretrial detention of the appellant, without commenting anything on merits of the case, I am inclined to release the appellant on bail.

6. Accordingly, the appeal is **allowed** and it is directed that on appellant's furnishing a personal bond in the sum of Rs.25,000/- with **one** surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail on the following conditions:-

(a) He shall not act in any manner which will be prejudicial to fair and expeditious trial,

(b) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,

(c) He shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge

Ajay