



HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 818 of 2023

Virendra Kumar Sahu S/o Guljari Lal Sahu, Aged About 43 Years R/o Village Farhada, P.S.- Jarhagaon, District- Mungeli, Chhattisgarh

---- **Petitioner**

Versus

State Of Chhattisgarh Through P.S. Jarhagaon, District- Mungeli, Chhattisgarh

---- **Respondent**

For Appellant
For Respondent/State

Mr. Rajesh Jain, Advocate
Mr. Avinash K. Mishra, Govt. Advocate

SB.: Hon'ble Mr. Justice Deepak Kumar Tiwari
Order On Board

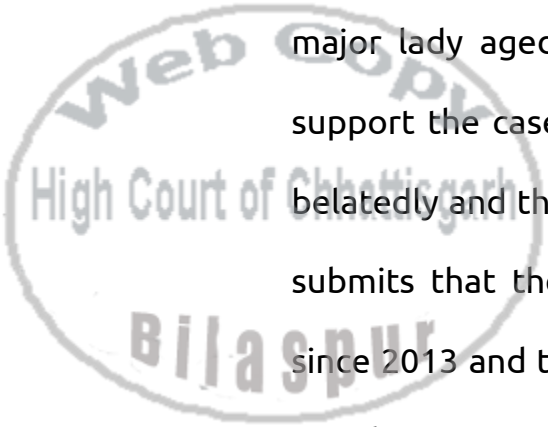
10/5/2023

1. Heard.
2. The appellant has preferred this appeal under Section 14 A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (in short "the S.C./S.T. Act"), for grant of bail, as he has been arrested in connection with Crime No.32/2023 registered at Police Station Jarhagaon, District Mungeli (CG) for the offence under Sections 376, 376(2)(e), 376(2)(n) & 506 of the IPC and Section 3(2)(v) of the S.C./S.T. Act.
3. Prosecution case, in brief, is that on 31.1.2023, when the prosecutrix was cleaning the Primary Health Centre, Khamaria, the



present appellant, who is a Ward Boy posted in the said Centre, came there and forcibly took her to a room and committed sexual intercourse with her and thereafter, threatened to kill her. He also made a private video of the said act and threatened to viral the video in the social media, if she discloses about the incident to anyone. Thereafter, the appellant again repeated the offence on 1.2.2023 by threatening to viral the video. The prosecutrix informed about the incident to the Incharge of the Institution orally on 9.2.2023 and thereafter, lodged an FIR.

4. Learned counsel for the appellant submits that the prosecutrix is a major lady aged about 35 years; the medical evidence does not support the case of the prosecution; and the FIR has been lodged belatedly and there is no reasonable explanation in this regard. He submits that the prosecutrix is posted in the said Health Centre since 2013 and the appellant recently got transferred in the Centre i.e. about 6-7 months ago and since she wanted to transfer the appellant from the said place, a false FIR has been lodged. The appellant is in judicial custody since 21.2.2023, therefore, considering all these aspects, learned counsel for the appellant prays for releasing the appellant on bail.
5. On the other hand, learned counsel for the State opposes the prayer for bail.
6. The prosecutrix appeared through the video conferencing from the Help Desk, DLSA, Mungeli and opposed the prayer for bail.
7. Having considered the submissions of learned counsel for the





parties as also considering that the FIR has been lodged belatedly, without commenting anything on the merits of the case, I am of the opinion that the present is fit case to enlarge the appellant on bail.

8. Accordingly, the appeal is allowed and the appellant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

9. Certified copy as per rules.

Sd/-

(Deepak Kumar Tiwari)
Judge

