

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 80 of 2021

- Birendra Kumar Sahu S/o Leeladhar Sahu Aged About 33 Years R/o Kundarupara Balod, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Balod, District Balod, Chhattisgarh, District : Balod, Chhattisgarh

--Respondent

CRA No. 103 of 2021

1. Channu Ram Sahu, S/o Ram Kumar Sahu, Aged About 25 Years R/o. Kundrupara, Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh
2. Smt. Lalita Sahu, W/o Channu Ram Sahu, Aged About 30 Years R/o. Kundrupara, Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Appellants

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Respondent

For Appellant	: Shri Shikhar Sharma, Advocate in CRA No.80/2021
For Appellant	: Shri Prasoon Agrawal, Advocate in CRA No.103/2021
For Respondent/State	: Shri Vaibhav Singh, P.L.

Hon'ble Justice Shri Gautam Chourdiya

Judgment on Board

26.02.2021

1. This appeal by the accused/appellants under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is directed against the order dated 4.1.2021 passed by the Special Judge (ST/SC Act) Balod, District

Balod(C.G.) in Crime No. 372/2020, refusing to allow their regular bail applications under Section 439 of Cr.P.C. The appellants are in jail since 3.12.2020 and 22.11.2020 respectively for the offence punishable under Sections 363, 34 of IPC and Section 3 (2) (V) of the SC/ST Act, registered at Police Station- Balod, District Balod(C.G.).

2. Case of the prosecution, in brief, is that mother of the prosecutrix lodged a report that on 15.11.2020, the accused/appellants kidnapped her minor daughter from her lawful guardianship and taken away her to some other place. During investigation, the prosecutrix was recovered from the possession of the applicants.
3. Learned counsel for the appellants submits that the allegations against the appellants are false and fabricated, they have been ubuntu falsely implicated in the case. He submits that prosecutrix, and the appellant/accused has no criminal antecedents and conclusion of the trial is likely to take some time, therefore, at this stage, she may be granted bail.
4. On the other hand, learned counsel for the respondent/State opposes prayer for grant of bail.
5. Considering the facts and circumstances of the case, particularly considering the detention period of the appellant; the fact that the appellant has no criminal antecedents as admitted by both the counsel and conclusion of the trial is likely to take some time, therefore, the appeal filed by the appellant for grant of bail is allowed and the impugned order is set aside.
6. It is directed that in the event of each of the appellant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs. 50,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on following conditions:-
 - (a) they 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.

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

(c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the appellants shall automatically stand cancelled without further reference to the Bench.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of appellants involving themselves in similar nature of offence in future.

Sd/

(Gautam Chourdiya)
Judge

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