



2025:CGHC:10083

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 248 of 2025**

**1 - Rahul Yadav S/o Mithai Lal Yadav Aged About 20 Years R/o Akhrabhatha, Police Station Sakti, District Sakti (C.G.)**

**... Appellant(s)****versus**

**1 - State Of Chhattisgarh Through Police Station Sakti, District Sakti (C.G.)**

**... Respondent(s)**

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For Appellant(s)	:	Mr. Deepak Kumar Singh, Advocate
For Respondent(s)	:	Mrs. Sunita Manikpuri, Dy. G.A.

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**Hon'ble Shri Justice Arvind Kumar Verma, Judge****Order on Board****28/02/2025**

1. This appeal under Section 14-A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is filed against impugned rejection order dated 12.12.2024 (Annexure A-1) in Crime No. 404/2023 passed by learned Special Judge (Atrocities) Janjgir, District- Janjgir-Champa (C.G.) whereby appellant's application filed under Section 439 of Cr.P.C. for grant of bail is rejected.

2. Appellant is in jail since 30.12.2023 in connection with Crime No. 404/2023 registered at Police Station-Sakti, District Sakti (C.G.) for the offence punishable under Section 302, 307, 294, 506, 323, 34 of IPC and Section 3(2)(5) of SC/ST Act.
3. Case of prosecution, in brief, is that on 26.12.2023 at 1:00 pm complainant Ramji and deceased Raju Lal @ Roshan was sitting at water tank, Budhwari Bazar Sakti then Rahul Yadav, Sohail Khan and Manav Sidar have come and they were demanding chilam from complainant Ramji. Ramji has denied then they used filthy language and then deceased Raju Lal @ Roshan has defended himself and then they again used filthy language and threatened to kill and beaten by hand and punch and then Sohail Khan has beaten head of Raju Lal by stick, during treatment Raju Lal @ Roshan has died. The complainant Ramji has lodged oral report before police station Sakti, District- Janjgir-Champa (C.G.). The concerned police has registered a crime no. 404/2023 for offence punishable under Sections 294, 506, 323, 34 of IPC against applicant and other two persons.
4. Learned counsel for the appellant submits that the appellant is innocent and they have falsely implicated in the case. He further contended that the eye witnesses and material witnesses has been examined and they have not supported the prosecution case.
5. Learned State Counsel objected the prayer stating that in the judgment rendered by the Trial Court all incriminating

circumstances are against the accused/applicant which connects him with the crime and chain of circumstances are fully linked and completed with each other.

6. Heard counsel for respective parties.
7. Considering entire facts and circumstances of case, nature of allegations, submission of counsel for appellant that the appellant has beaten the deceased by hand and fist and the other accused namely Sohail Khan has beaten the deceased with wooden stick as a result of which the deceased sustained injury on his head and during treatment he died. Therefore, looking towards the involvement of the present appellant, I am inclined to allow this appeal.
8. Accordingly, the appeal is allowed. Impugned rejection order (Annexure A-1) is set aside. It is directed that appellant shall be released on regular bail upon his furnishing a bail bond in sum of Rs. 10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-
  - (a) Appellant shall appear before trial court regularly on each and every date, unless exempted from appearance.
  - (b) Appellant shall not, in any manner, tamper with the prosecution witnesses.

Sd/-

(Arvind Kumar Verma)

**JUDGE**