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2026:CGHC:9376

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 271 of 2026

1 - Sharib Alvi S/o Iqbal Alvi Aged About 20 Years R/o Village Karuddin Madiyai, P.S. Sardhana, District Merut, U.P.

... Appellant

versus

1 - State Of Chhattisgarh Through Police Station Kondagaon, District Kondagaon, C.G.

... Respondent

For Appellant	:	Mr. Raza Ali, Advocate
For State /Respondent	:	Mr. Rishiraj Pithwa, Dy. G.A.

(Hon’ble Shri Justice Arvind Kumar Verma)

Order on Board

23/02/2026

1. This appeal is filed under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (henceforth referred as ‘Act, 1989’) for grant of regular bail to the appellant, who has been arrested in connection with Crime No. 231/2025, registered at P.S.- Kondagaon, District- Kondagaon

(C.G.) for commission of offence punishable under Sections 70(1), 332(b), 76 of the BNS, 2023 and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The case of the prosecution in brief is that the prosecutrix/complainant has alleged that on dated 29.06.2025 the two person came to the locality for selling the Gas Stove and found the prosecutrix/complainant alone in her house and thereafter entered into the house and tried to outraged her modesty and also tried to rape her, for which the complainant has raised alarm due to which the other person came there and one accused person fled away from the spot and another person caught therein, and on being interrogated disclosed his name as Abid and also told that the name of other person who fled away as Sharib Alvi, accordingly, the matter has been reported and the FIR bearing number 231/2025 got registered for offences under section 70(1), 332(b), 76 of the BNS and later on the offences under the Atrocity has been added. The present appellant has been implicated memorandum of the main accused person and further prosecution has arrested the appellant on 21.09.2025 and filed supplementary charge sheet. The appellant after his arrest has filed the bail application under section 483 of the BNSS and the same was rejected by the learned trial Court. Hence this appeal.

3. Learned counsel for the appellant would submit that the appellant has not committed any offences and has been falsely implicated in the said offences. There is contradiction and omission in the statement given by the prosecutrix. He would next contend that the appellant has been arrested after 3 months based on the memorandum of the main accused and thereafter the appellant has even not been confronted to complainant to identify the appellant. He would lastly contend that the prosecutrix was on the border line and would submit that the appellant is in jail since 21.09.2025, therefore, he may be enlarged on bail.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail.
5. Pursuant to the order dated 29.01.2026, the victim along with her guardian appeared before this Court through DLSA, Kondagaon and raised objection to the present bail application.
6. I have heard learned counsel for the parties and perused the documents.
7. Perusal of the documents would show that the way by which the offence has been committed that the appellant alongwith co-accused came to the house of the prosecutrix for selling Gas Stove and they found that prosecutrix was alone in her house, and thereafter, forcefully entered into the house of the prosecutrix and they tried to commit rape with the prosecutrix, therefore, looking to the gravity of the offence and also considering the

entire facts & circumstances of the case, I am not inclined to release the appellant on bail.

8. Accordingly, the appeal filed under Section 14-A(2) of Section 14A(2) of the 'Act 1989' is **rejected**. However, learned trial Court is directed to expedite the trial, if there is no legal impediment.
9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Arvind Kumar Verma)
JUDGE