

(2020) 10 MP CK 0104
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 4971 Of 2020

Abinash Rao

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 12-10-2020

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(da), 3(1)(gha), 3(2)(v), 14A
Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 294, 323, 395, 427, 506

Citation : (2020) 10 MP CK 0104

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : Manish Datt, Pradeep Dwivedi

Final Decision : Allowed

Judgement

J. P. Gupta, J

This is an appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the impugned order dated 7.09.2020 passed by the Special Judge (Atrocities), District Umaria, in Bail Application 241/2020 whereby the court below has dismissed the application filed by the appellant under Section 439 Cr.P.C. The appellant is in custody since 1/09/2020 for the offence under Sections 395, 294, 323, 427, 506 and 34 of the IPC and sections 3(1)(da), 3(1)(gha) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act, in Crime No.419/2020 registered at Police Station Umaria, District Umaria (M.P.).

According to the prosecution story, the allegation against the appellant is that on 30.8.2020 in the night an incident is said to have taken place at Yamuna Petrol Pump, Ghaghari Naka whereby the appellant alongwith co-accused persons had committed marpeet with the complainant by means of kicks and fists and also abused him. It is further alleged that he had robbed an amount of Rs.17,000/-

from the complainant and had destroyed the property of the petrol pump.

Learned counsel for the appellant submitted that the appellant is innocent. He is in custody since 1.9.2020. Charge-sheet has been filed. Trial will take time. The alleged amount of robbery is only Rs.17,000/- and the incident had taken place suddenly and it has been given the colour of dacoity.

There are no criminal antecedents of the appellant. There is no likelihood of his absconding or tampering with the prosecution evidence. Hence, prayer is made to release the appellant on bail.

On the other hand, learned P.L. opposed the prayer for bail and prayed for rejection of the appeal.

Having considered the facts and circumstances of the case and on perusal of the case diary, this Court is of the view that this is not a case in which the appellant is required to be kept in custody during the whole trial, but without commenting anything on the merits of the case, impugned order is set aside and this appeal is allowed.

It is ordered that the appellant/accused Abinash Rao be released on bail on his furnishing personal bond in the sum of Rs. 40,000/- (Rs. Forty Thousand only) with one solvent surety in the like amount to the satisfaction of the trial court for securing his presence before the said Court on all the dates of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of Cr.P.C.

CC as per rules.