

(2023) 01 MP CK 0121
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 1719 Of 2023

Anand Sharma

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 31-01-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(d)(dha), 14A(2)
Code Of Criminal Procedure, 1973 — Section 41A, 438, 438(2)
Indian Penal Code, 1860 — Section 34, 294, 323, 506

Citation : (2023) 01 MP CK 0121

Hon'ble Judges : Deepak Kumar Agarwal, J

Bench : Single Bench

Advocate : Yash Sharma, Anil Shukla

Final Decision : Allowed

Judgement

Deepak Kumar Agarwal, J

Present Criminal Appeal has been filed under Section 14-A (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 07.01.2023 passed by Special Judge, Datia, District Datia whereby the application of the appellant under Section 438 of Cr.P.C. for grant of anticipatory bail has been rejected.

The appellant apprehends his arrest in connection with Crime No.142/2022 registered at Police Station- Tharet, District- Datia (M.P.) in relation to the offence punishable under Sections 294, 323, 506, 34 of IPC and section 3(1)(d) (dha) of SC/ST Act.

Learned counsel for the appellant/accused submits that applicant is innocent and has been falsely implicated in the case. It is further submitted that during investigation, present appellant/accused was released after giving notice under Section 41-A of Cr.P.C. in the light of judgment rendered by Hon'ble Supreme

Court in the matter of Arnesh Kumar Vs. State of Bihar [(2014) 8 SCC 2731)]. Applicant has fully co-operated with the investigating agency. After investigation, charge-sheet in the matter has been filed. There is no likelihood of his absconsion. It is further submitted that the appellant is the reputed citizen of the society and if he is sent to jail then his social reputation would get diminished.

Learned counsel for the State opposed the criminal appeal and prayed for its rejection.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the available case-diary.

Looking to the facts and circumstances of the case, without commenting on the merits of the case, this Court is of the opinion that appeal should be allowed and by allowing the present appeal and setting aside the order dated 07.01.2023, it is directed that in the event of arrest, appellant be released on bail on furnishing a bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the arresting authority/ Investigating Officer.

The appellant shall co-operate in the trial and shall regularly appear before the trial court as and when required. He shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

Appeal stands allowed and disposed of.

Certified copy/ e-copy as per rules/directions.