

(2024) 04 MP CK 0051

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 4299 Of 2024

Aniket Rawat

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 05-04-2024

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14A(2)
Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 147, 148, 149, 506

Citation : (2024) 04 MP CK 0051

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Uma Kushwah, Ravindra Singh Kuswah

Final Decision : Allowed

Judgement

@JUDGEMENT- JUDGEMENT

Sunita Yadav, J

This is second criminal appeal filed by the appellant u/S.14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act assailing the order dated 26.2.2024 passed by the Special Judge (Atrocities), Datia (M.P.) whereby the bail application preferred by the appellant herein u/S.439 of Cr.P.C. relating to FIR No. No. 09 of 2024 by Police Station Goraghat, District Datia (M.P.) for offences punishable under Sections 307, 147, 148, 149 and 506 of the I.P.C and Sections 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. First criminal appeal was dismissed as withdrawn by order dated 14.3.2024 passed in Cr.A. No. 2999 of 2024 with liberty to file afresh after filing of charge-sheet.

Learned counsel for the appellant-accused argued that the appellant is innocent and has been falsely implicated in this matter. He is in custody since 09.1.2024.

After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the appellant. It is further argued that no act has been attributed to the appellant - accused of causing any injury to any person. As per prosecution story, he was simply present at the time of incident. Further argument is that appellant is the permanent resident of District Datia (M.P.) and there is no possibility of his absconson or tampering with the prosecution evidence. On these grounds, he prays for bail to the appellant.

Per contra, learned counsel for the State has vehemently opposed the application and prayed for its rejection.

Heard the learned counsel for the parties and perused the case diary. Considering the facts and circumstances of the case, without commenting upon the merits of the case, this appeal stands allowed and it is directed that the appellant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lac only) with two solvent sureties in the like amount to the satisfaction of the concerned trial Court.

This order will remain operative subject to compliance of the following conditions by the appellant:-

1. The appellant will comply with all the terms and conditions of the bond executed by him;
 2. The appellant will cooperate in the investigation/trial, as the case may be;
 3. The appellant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
 4. The appellant will not commit any other offence or will not repeat the offence in future. In case, if he is found involving in the offence of same nature, this bail order shall stand cancelled automatically without further reference to the Bench.
 5. The appellant will not seek unnecessary adjournments during the trial;
- and
6. The appellant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

Ccopy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.