

(2021) 01 MP CK 0031

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 6502 Of 2020

Bittu @ Aman Rahora (Khateek)

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)r, 3(1)s, 3(2)(v), 14(A)(2)
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2021) 01 MP CK 0031

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Ravi Dwivedi, Anand Sikarwa

Final Decision : Dismissed

Judgement

Anand Pathak, J

Present appeal has been filed under Section 14 (A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity

'the Act') against the order dated 26-11-2020 passed by Special Judge (Atrocities), Gwalior whereby the application of the appellant under Section 439 of Cr.P.C. seeking bail has been rejected.

Appellant is in custody since 13-10-2020 in connection with Crime No.245/2020 registered at Police Station Hazeera District Gwalior for the offence

punishable under Section 307, 294, 34 of IPC, and Sections 3 (2) (v) 3 (1) r, s of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

At the outset learned counsel for the appellant informs this court that false case has been registered against him because complainant of the case

Sheru Khatik is a habitual offender and bears 50 criminal cases to his discredit and his medical report belies the allegations and no injury has been

sustained by the victim over his head. Appellant does not bear any criminal record and he is suffering confinement since 13-10-2020 on false pretext

which amounts to pretrial detention. Other co-accused have been enlarged on bail. Appellant undertakes to co-operate in trial and would make himself

available as and when required by the trial Court and shall not be a source of harassment and embarrassment to the complainant party and shall not

move in the vicinity of the complainant party. Thus, prayed for grant of bail.

On the other hand, learned counsel for the State opposed the bail application and prayed for the dismissal of appeal.

Heard learned counsel for the parties at length through VC and considered the arguments advanced by them.

After considering the rival submissions/fact situation especially the fact that complainant is a habitual offender and considering the peculiar fact

situation, wherein, we are facing wrath of pandemic COVID-19, this Court is of the considered opinion that appellant deserves to be released on bail.

Accordingly, without commenting on the merits of the case, it is hereby directed that the appellant shall be released on bail on his furnishing personal

bond of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount to the satisfaction of 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/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The appellant shall not commit an offence similar to the offence of which he is accused;
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.

7. Appellant shall not be source of harassment and embarrassment in any manner to the complainant party and shall not move in the vicinity of complainant party.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, for the office of this Court.