

(2024) 05 MP CK 0166

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 5630 Of 2024

Deepak And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 09-05-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(I)(W)(I), 3(I)(W)(ii), 3(2)(V), 3(2)(Va), 14A(2)
Indian Penal Code, 1860 — Section 147, 149, 195(A), 294, 323, 354, 376(D), 427, 450, 456, 506

Citation : (2024) 05 MP CK 0166

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : Santosh Kumar Meena, Suhas Pundlik

Final Decision : Allowed/Disposed Of

Judgement

Prem Narayan Singh, J

1. This is first appeal filed by the appellant under Section 14-A(2) of the Scheduled Caste & Schedule Tribe (Prevention of Atrocities) Act against the order dated 20.07.2023 passed by the learned Special Judge, Rajgarh in Special Case No./Bail Application No.230/2023.

2. The appellant is in custody since 05.05.2023 in connection with Crime No.92/2023 registered at Police Station – Karanwas, District –Rajgarh for the offences punishable under Sections 147, 149, 456, 354, 294, 323, 506 427, 376(D), 195(A), 450 of the Indian Penal Code & Sections 3(1)(r), 3(2) (V), 3(2) (V-a), 3(I) (W) (I), 3(I) (W) (ii), 3(1) (s) of Scheduled Caste & Schedule Tribe (Prevention of Atrocities) Act.

3. Learned counsel for appellant submits that the appellant is innocent and has been falsely implicated in the present case. Allegation of rape is against the present appellant and other accused persons Nagendra, Arvind, Meharban and

Banwari. Out of these, two co-accused persons namely Meharban Singh and Arvind Gurjar have been granted bail by co-ordinate Bench of this Court and co-accused Banwari has also been granted bail vide order dated 06.05.2024 by this Court in Cr.A. No. 5127/2024. The present appellant is having complete parity with them. So far as the allegation of assault is concerned, the appellant undergone more than one year jail sentence. There is previous enmity between the family of the prosecutrix and accused persons. Series of FIRs' were registered against each other.

4. Learned counsel for the respondents / State opposes the aforesaid prayer but has fairly admitted that the appellant is having complete parity with other co-accused persons who have been enlarged on bail.

5. Considering the facts and circumstances of the case, coupled with the fact that the appellant is in custody for more than one year and the trial has not been concluded so far, I deem it proper to enlarge the appellant on bail. Accordingly, the appeal is allowed

6. It is directed that the appellant be released on bail on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of the Trial Court with a direction that he will cooperate in trial and present himself regularly before the Trial Court on each and every date fixed by the Court concerned during trial and if during trial, he is found absent without any sufficient cause by the Trial Court, then the bail order passed by this Court shall automatically come to an end without reference to the Court.

7. With the aforesaid, Criminal Appeal stands allowed and disposed of. Certified copy, as per Rules.