

(2022) 04 MP CK 0096

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 3822 Of 2022

Devendra @ Lakky Kuchhwaha And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 27-04-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14A
Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 307

Citation : (2022) 04 MP CK 0096

Hon'ble Judges : Vishal Mishra, J

Bench : Single Bench

Advocate : Ramakant Tiwari, G.P. Singh

Final Decision : Allowed

Judgement

Vishal Mishra, J

This second appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the Act') against the order dated 23.12.2021 passed by Special Judge, (SC/ST) Act, Jabalpur, District Jabalpur (MP), whereby the application of the appellants under Section 439 of Cr.P.C. seeking bail has been rejected. His earlier application was rejected on merits vide order dated 21.02.2022 passed in Cr.A.No.1143/2022.

Appellants have been arrested on 26.08.2021 in connection with Crime No.805/2021 registered at Police Station Madhotal, District Jabalpur for the offence punishable under Sections 307/34 of IPC and under Section 3 (2) (v) of the SC/ST (Prevention of Atrocities) Act.

This repeat application has been filed on ground that injured witnesses have not supported the prosecution story and declared hostile. The appellants are ready to abide by all the terms and conditions that may be imposed by this Court while

considering the bail application. On these grounds, they pray for grant of bail.

Per contra, learned counsel appearing for the State could not dispute the fact that the injured witnesses have not supported the prosecution story and no material witnesses are remained to be examined. The appellants are the first offenders as per the case diary record is also not disputed by the State counsel.

Heard the learned counsel for the parties and perused the case diary. Considering the over all facts and circumstances of the case and, without commenting upon the merits of the case, this Court deem it appropriate to allow this appeal. Accordingly, the appeal is allowed. Subject to the verification of the fact that the appellants are the first offenders, they are directed to be released on bail on furnishing surety bond of Rs.50,000/- (Rupees Fifty Thousand Only) each with one local surety in the like amount to the satisfaction of trial Court.

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

1. The appellants will comply with all the terms and conditions of the bond executed by them;
2. The appellants will cooperate in the investigation/trial, as the case may be;
3. The appellants will not indulge themselves 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 appellants shall not involve any other offence, in case the appellants indulge in any other criminal case the benefit of bail as extended by this Court shall automatically cancelled;
5. The appellants will not seek unnecessary adjournments during the trial;
6. The appellants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
7. If the appellants are found involved in any case except present one, their bail shall stand rejected without any reference to the Court; and
8. The appellants will inform the concerned S.H.O. of concerned Police Station about their residential address in the said area and it would be the duty of the Public Prosecutor to send E-copy of this order to SHO of concerned police station as well as Superintendent of Police concerned who shall inform the concerned SHO regarding the same.

In view of the COVID-19, jail authorities are directed to follow the Covid Protocol and Guidelines before releasing the appellants on bail.

Appeal stands allowed and disposed of.

Certified copy as per rules.