

(2020) 06 MP CK 0035
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 3129 Of 2020

Girraj Sharma

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 02-06-2020

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(va), 14A(2), 18
Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 294, 323, 506

Citation : (2020) 06 MP CK 0035

Hon'ble Judges : Vishal Mishra, J

Bench : Single Bench

Advocate : B. S.Gaur, Anoop Nigam

Final Decision : Dismissed

Judgement

In the wake of unprecedented and uncertain situations due to the outbreak of Novel Corona Virus COVID-19 and considering the advisories issued by the Government of India, this application is being heard and decided through video conferencing to maintain social distancing. The parties are being represented through their respective counsels through VC and therefore, norms of social distancing/physical distancing were followed in letter and spirit.

Present appeal has been filed under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter would be referred as "the Act") against the order dated 21.5.2020 passed by Special Judge (Atrocities Act) Bhind whereby the application of the appellant under Section 438 of Cr.P.C seeking anticipatory bail has been rejected in connection with Crime No. 160 of 2020 registered at Police Station Mehgaon district Bhind for the offence punishable under Sections 323, 294, 506 and 34 of IPC and 3 (1) (r), 3 (1) (s) and 3 (2) (va) of the Atrocities Act.

It is submitted by counsel for the appellant that except the offences registered

under Atrocities Act, all other offences are bailable. There is no specific allegation against the appellant of abusing or causing injuries to complainant and just to make the offence non bailable, the offences under SC ST Act have been added. Investigation in the matter is over and the appellant is ready to abide with all the conditions which may be imposed by this court while considering this application for anticipatory bail. Counsel for the appellant has relied upon the judgment rendered by coordinate Benches of this court in the cases of Atendra Singh Rawat Vs. State of M.P. in Cr.Appeal No.7295 of 2018 and Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273, and prayed for anticipatory bail to the appellant.

Per contra, learned counsel for the State opposed the prayer made by the appellant stating that there are specific allegation against the appellant of abusing the complainant and when he tried to stop him, he inflicted injuries to him. Investigation in the matter is incomplete and there is specific bar of Section 18 of Atrocities Act for grant of anticipatory.

Heard learned counsel for the parties and perused the case diary. Considering over all facts and circumstances of the case, this court is not inclined to grant anticipatory bail to the appellant. This appeal is therefore, dismissed.

CC as per rules.