

(2021) 06 MP CK 0005

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 2975 Of 2021

Gulli @ Gulla @ Rahul Yadav

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 03-06-2021

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(5ka), 3(1)(daa), 14A(1)
Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 294, 427, 456, 506

Citation : (2021) 06 MP CK 0005

Hon'ble Judges : Rajendra Kumar Srivastava, J

Bench : Single Bench

Advocate : B.K. Rajak, Subodh Tamrakar

Final Decision : Allowed

Judgement

Rajendra Kumar Srivastava, J

This appeal has been filed under Section 14-A (1) of S.C./S.T. (Prevention of Atrocities) Act, 1989 for grant of bail, being aggrieved by the order

dated 30.04.2021, passed by Special Judge SC/ST (Atrocities) Act, District Jabalpur (MP), by which bail application under Section 439 of Cr.P.C.

filed on behalf of appellant has been dismissed.

The appellant is in custody since 25.04.2021 in connection with Crime No.139/2021, registered at Police Station Gora Bazar, District Jabalpur (MP),

for the offences punishable under Sections 456, 294, 427, 506, 34 of IPC, Section 3(2)(5ka) & 3(1)(daa) of SC & ST (Prevention of Atrocities) Act.

As per prosecution case, on 12.04.2021 at about 10:00 pm complainant Meena Bai was in her house at that time present appellant Gulli @ Gulla and

co-accused Tara Yadav reached there. They broke the door of the house of complainant and entered into the house of complainant Meena Bai. They

also broke the domestic articles of complainant and threatened to kill her. Complainant is the member of scheduled caste community and appellant-

accused is not the member of scheduled caste and scheduled tribe community.

Learned counsel for the appellant submits that appellant -accused has falsely been implicated in this case on the ground of previous criminal

antecedent. Accused / appellant is in jail since 25.04.2021. Accused / appellant is not previously convicted. Investigation is complete. It is the time of

Covid-19 due to which conclusion of trial will take time. There is no probability of his absconding or tampering with the prosecution evidence.

Accused/appellant is bread earner of his family and if, he is kept in custody for an unlimited period, then future of his family will be spoiled. On these

grounds, learned counsel for the appellant prays for grant of bail to the appellant.

Learned Panel Lawyer for the respondent/State opposes the said bail application and submits that appellant has previous criminal antecedent, so he is

not entitled for bail.

Considering the contentions of both the parties and the fact that appellant -accused is not previously convicted, he is in jail since 25.04.2021,

investigation is complete, there is no possibility of his absconding or tampering with the prosecution evidence, it is the time of Covid 19 due to which

conclusion of trial will take time, appellant -accused is the bread earner of his family, so considering the nature of case, appellant was in jail during the

trial, this appeal under Section 14-A of S.C./S.T. (Prevention of Atrocities) Act, 1989 for grant of bail is hereby allowed.

It is directed that appellant-Gulli @ Gulla be released on his furnishing bail bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) with two solvent

sureties of Rs.50,000 (Rupees Fifty Thousand) each to the satisfaction of the concerned trial Court for his appearance before the trial Court on the

dates given by the concerned Court. It is also directed that the appellant shall comply with the provisions of Section 437(3) of the Cr.P.C. This order

will remain operative subject to compliance of the following conditions by the petitioner:

1. The appellant will comply with all the terms and conditions of the bond executed by him;

2. The appellant will cooperate in the trial;
3. The appellant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officers;
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
- Â 6. The appellant will not leave India without previous permission of the trial Court.

Further in view of the outbreak of 'Corona Virus disease (COVID-19)' the appellant shall also comply with the rules and norms of social distancing.

Further, in view of the order passed by the Hon'ble Supreme Court in suo moto W.P. No.01/2020, it would be appropriate to issue the following

direction to the jail authority :-

Â 1. The Jail Authority shall ensure the medical examination of the appellant by the jail doctor before his release.

Â 2. The appellant shall not be released if he is suffering from 'Corona Virus disease'. For this purpose appropriate tests will be carried out.

Â 3. If it is found that the appellant suffering from 'Corona Virus disease', necessary steps will be taken by the concerned authority by placing him in appropriate quarantine facility.

Certified copy as per rules.