

(2024) 04 MP CK 0144

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 4929 Of 2024

Ikram Khan Alias Bichhu Khan

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 19-04-2024

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 14(A)(2)
Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 307, 323, 324

Citation : (2024) 04 MP CK 0144

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Faisal Ali Shah, Rajeev Upadhyay

Final Decision : Allowed

Judgement

Sunita Yadav, J

This is first criminal appeal under Section 14 (A) (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 (hereinafter referred to as "SC/ST Act") assails the order dated 05.04.2024 passed by Special Judge, SC/ST Act, Shivpuri (M.P.) whereby, application preferred by the appellant herein under Section 439 of Cr.P.C. relating to Crime No. 464 of 2023 registered at Police Station Kotwali, District Shivpuri (M.P.) for the offence under Sections 307, 324, 323, 34 of IPC and 3(2)(5a), 3(2)(5) of SC & ST Act has been rejected.

Learned counsel for the appellant argued that appellant is innocent and has been falsely implicated. As per the prosecution story, it was the co-accused Imron who inflicted injuries by iron rod to injured Sonu and all the accused persons pushed off the injured from the terrace of the house of the appellant. It is further submitted that the learned trial Court has already granted bail to co-accused Imran. The incident occurred on 28.04.2023. However, the statement of injured was recorded almost a delay of four months on 15.10.2023. Under these

circumstances, the appellant is entitled to get the benefit of bail. Further submitted that appellant is in custody since 21.03.2024. The appellant is the resident of District Shivpuri (M.P.). Conclusion of trial is likely to take time and there is no likelihood of his absconding, if released on bail. Hence, he prays for grant of bail to the appellant.

Per contra, learned counsel for the State opposed the bail application and prays for its rejection.

Considering the facts and circumstances of the case, but without commenting upon the merits of the case, this appeal stands allowed and it is directed that the appellant be released on bail on furnishing a personal bond in the sum of Rs.50,000/- (Rs.Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the concerned trial Court/Committal 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.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

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

Certified copy as per rules.