
(2021) 01 MP CK 0130
In the Madhya Pradesh High Court
Case No : Criminal Appeal No.5212 Of 2020

Jagdish @ Jagga

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 29-01-2021

Acts Referred:

Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(2)(v), 14A
Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 201, 302

Citation : (2021) 01 MP CK 0130

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : Laxmi Narayan Sakle, Vinod Mishra

Final Decision : Dismissed

Judgement

J. P. Gupta, J

None for respondent no.2/complainant despite of service of notice.

This is an appeal filed under section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the impugned order

dated 23/03/2020 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act, Khandwa in Special Case No.23/2020 whereby the court below

has dismissed the application filed by the appellant under section 439 of the Cr.P.C.

The appellant is in custody since 12/02/2020 for the offence under section 302, 201, 34 of IPC and section 3(2)(v) of the SC/ST (Prevention of

Atrocities) Act in Crime No.59/2020 registered at Police Station Harsood, District Khandwa. Earlier Cr.A No.3549/2020 against similar order has

been dismissed as withdrawn vide order dated 07/08/2020.

The allegation against the appellant/accused is that he along with other co-accused committed murder of one Prahlad.

Learned counsel for the applicant/accused submitted that applicant is in custody since 12/02/2020. Trial is still pending. There is no eyewitness of the

incident and report was lodged after three days of the incident. Merely on the basis of suspicion the applicant has been arrayed in this case. Co-

accused Shravan has been enlarged on bail vide order dated 26/06/2020 passed in Cr.A No. 3254/2020. Further submitted that so far criminal

antecedent are concerned, two cases have been decided and other cases are not of very serious nature. In view of the aforesaid circumstances,

prayer is made to enlarge the applicant/accused on bail.

Learned PL for the respondent/State has opposed the bail and submitted that the blood stained articles have been seized from the possession of the

applicant and he has criminal antecedent. Earlier 7 cases have been registered against him, in which some are related to violence and having illegal

fire arm. Looking to aforesaid criminal history, if he is released on bail, there is possibility of fleeing away or influencing the witness, hence prayed

for rejection of the same.

Considering all facts and circumstances of the case, it can't be said that there is no material against the applicant to connect him with the crime and

looking to the nature of the offence and his criminal antecedent, the applicant is not entitled to get benefit of bail at this stage. Hence the application is

rejected. However it is directed that in case trial is not completed within one year the applicant may file fresh application or after recording of the

material witness.

Certified copy as per rules.