
(2020) 09 MP CK 0001

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 4108 Of 2020

Mahfooz And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 01-09-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438(2)
Indian Penal Code, 1860 — Section 34, 294, 323, 506
Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4
Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(va), 14A(1)

Citation : (2020) 09 MP CK 0001

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : G. P. Patel, Nalini Gurang, Kuldeep Singh Rajpoot

Final Decision : Allowed

Judgement

This is the first appeal filed by the appellants under Section 14-A(1) of the SC/ST (Prevention of Atrocities) Act seeking anticipatory bail.

The appellants are apprehending their arrest in connection with Crime No.1/2020 registered at Police Station A.J.K. Narsinghpur, District Narsinghpur for the offences punishable under Sections 294, 323, 506/34 of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the applicants submits that the the complainant has given an affidavit to the effect that he does not want to prosecute the matter against the appellants and he does not want any action to be taken against the appellants. Counsel has placed reliance on the judgment of the Supreme Court in the case of Narinder Singh and others versus State of Punjab and another reported in (2014) 6 SCC 466. In view of the aforesaid, prayer is made to enlarge the appellants on anticipatory bail.

Learned Panel Lawyer has opposed the prayer for grant of anticipatory bail.

Learned counsel for the objector submits that he has no objection if the appellants are enlarged on anticipatory bail.

Considering the overall facts and circumstances of the case and the law laid down by the Supreme Court in the case of Narinder Singh and others versus State of Punjab and another (supra), I deem it appropriate to enlarge the appellants on anticipatory bail, therefore, without commenting on the merit of the case, this appeal is allowed.

It is directed that in the event of arrest, appellants namely Mahfooz and Bhanu shall be enlarged on bail on their furnishing a personal bond in a sum of Rs.30,000/- (Rupees Thirty Thousand only) each with one surety in the like amount to the satisfaction of the Arresting officer for their regular appearance before the Investigating Officer during the investigation or before the trial Court during trial, as the case may be.

It is directed that the appellants shall abide by the conditions enumerated under Section 438(2) of Cr.P.C.

It is made clear that the appellants shall appear before the Investigating Officer as and when they are so directed and cooperate with the investigation and they shall also appear before the trial Court regularly, otherwise this order shall become ineffective.