

(2020) 12 MP CK 0122
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 5855 Of 2020

Murali Barman And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 11-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)

Indian Penal Code, 1860 — Section 34, 294, 323, 341, 506

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(da), 3(1)(dha)

Citation : (2020) 12 MP CK 0122

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : Y.M.Tiwari, Ritwik Parashar

Final Decision : Allowed

Judgement

Sanjay Dwivedi, J

This first bail application under Section 438 of the Code of Criminal Procedure has been filed by the appellants for grant of anticipatory bail in Crime

No.228/2020 registered at Police Station Indwar District Umariya (M.P.) for the offence punishable under Sections 341,294,323,506,34 of IPC, and

3(1)(da) and 3(1)(dha) of SC/ST (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellants submits that a false complaint has been made against the present appellants by the complainant. As per the case of

the prosecution, complainant has stated that whole incident has seen by Rohit Gautam and Lala Patel but both of them have given affidavit stating

therein that no such incident has been occurred before them. It clearly indicates that false complaint has been made against the present appellants. It

is also submitted that due to COVID-19 physical trial is not being conducted in the court, therefore evidence of these persons could not be recorded.

Upon these grounds he prays for grant of bail to the appellants.

On the other hand, the learned Panel Lawyer appearing for the respondent/State opposes the prayer of bail.

Considering the facts and circumstances of the case, without commenting anything on merit, I am inclined to allow the bail application of the present appellants. Accordingly, it is allowed.

It is directed that in the event of arrest, appellants shall be released on bail upon their furnishing a personal bond in the sum of Rs.50,000/-(Rupees

Thirty Thousand Only) each with one solvent surety each of the like amount to the satisfaction of Arresting Officer (Investigation Officer).

It is further directed that the appellants shall make themselves available for interrogation by the Police Officer as and when required. They shall abide

by the conditions enumerated in Section 438(2) of the Code of Criminal Procedure.

Certified copy as per rules.