

(2022) 11 MP CK 0091

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 10708 Of 2022

Narayan Singh And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 22-11-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3 (1) (r), 3(1)(s), 3(2)(va), 14A
Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 34, 294, 323, 447, 506

Citation : (2022) 11 MP CK 0091

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Ashish Singh Jadoun, Kaushlendra Singh Tomar

Final Decision : Allowed

Judgement

Anand Pathak, J

Present criminal appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, against the order dated 04.11.2022 passed by the Special Judge (S.C.S.T. Act) Guna (Madhya Pradesh) whereby the application of the appellants under Section 438 of Cr.P.C. seeking bail has been rejected.

Appellants are apprehending their arrest in connection with Crime No.279/2022 registered at Police Station Kumbhraj, Guna (Madhya Pradesh) for the offence punishable under Sections 323, 294, 506, 447, 34 of IPC and Section 3 (1) (r), 3 (1) (s), 3 (2) (va) of the SCST Act.

Appellants are apprehending their arrest on the basis of registration of offence as referred above. It is the submission of learned counsel for appellants that one of the cousins of appellants entered into agreement with complainant in year 1992 and purchased the disputed property by paying Rs.1,00,000/- to the

complainant. Since then appellants were in possession of the land/disputed property. Thereafter in 2018, complainant initiated a revenue proceedings against the appellants for repossession of the land which was resisted by the appellants. In retaliation thereof, this case has been registered. Story indicates an improbable event. No injuries have been sustained by the victim. Appellants do not bear any criminal records. Learned counsel for the appellants relied upon the order of this Court in the matter of Atendra Singh Rawat Vs. State of M.P., 2019 (2) MPLJ (Cri) 481. Confinement may bring social disrepute and personal convenience. Appellants undertake to cooperate in investigation/trial. Under these grounds, counsel for the appellants prayed for anticipatory bail to the appellants.

Learned Public Prosecutor for the respondent No.1/State opposes the prayer and prays for dismissal of the appeal.

Heard learned counsel for the parties and perused the documents appended thereto.

Considering the submissions advanced by the counsel for the appellant, this Court intends to allow this appeal. It is hereby directed that in the event of arrest, the appellants shall be released on bail on their furnishing personal bond of Rs.50,000/- (Rs. Fifty Thousand Only) each with one solvent surety of the like amount each to the satisfaction of Arresting Authority /Investigating Officer. The impugned order dated 04.11.2022 is set aside.

This order will remain operative subject to compliance of the following conditions by the appellants:-

1. The appellants will comply with all the terms and conditions of the bond executed by them;
2. The appellants will cooperate in the investigation/ trial, as the case may be;
3. The appellants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be.
4. The appellants shall not commit an offence similar to the offence of which they are accused;
5. The appellants will not seek unnecessary adjournments during the trial;
6. The appellants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;
7. The appellants shall mark their presence on first and fifteenth day of every month before the concerned Police Station between 10:00 am and 02:30 pm, till filing of charge sheet.
8. The appellants shall not move in the vicinity of the complainant side and shall

not be a source of embarrassment or harassment to the complainant side in any manner.

Appeal stands allowed and disposed of.

Copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.