

(2021) 05 MP CK 0081
In the Madhya Pradesh High Court
Case No : Criminal Appeal No.3000 Of 2021

Omkar Soni

APPELLANT

Vs

State Of M.P. & Anr

RESPONDENT

Date of Decision : 13-05-2021

Acts Referred:

Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(2) (पांच), 3 (2)(पांच(क), 14A(2)
Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471
Code Of Criminal Procedure, 1973 — Section 438

Citation : (2021) 05 MP CK 0081

Hon'ble Judges : Sheel Nagu, J

Bench : Single Bench

Advocate : Vivek Kumar Mishra, Kalpana Parma

Final Decision : Allowed

Judgement

Sheel Nagu, J

The present First Criminal Appeal u/S.14-A(2) of SC/ST (Prevention of Atrocities) Act assails the order dated 19.04.2021 passed by Special Judge

(Atrocities), Datia, District Datia (M.P.) whereby application preferred by the appellant herein u/S.438 of Cr.P.C. has been rejected.

Appellant apprehends arrest in connection with offence punishable u/Ss.420, 467, 468, 471, 120-B IPC & Sections 3(2)(), 3 (2)(-) of

Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered as Crime No.123/2021 by Police Station Kotwali, District Datia

(M.P.).

Learned counsel for the State for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and

the material available on record, no case for grant of anticipatory bail is made out.

Appellant apprehends arrest in respect of offence of cheating and forgery. The allegation against the appellant is that the appellant is alleged to have

posed as attesting witness to the sale deed in respect of transaction of sale which took place in 2018. The co-accused is said to have sold the land to

the complainant which did not belong to him and accepted certain amount of money. It does not appear that the offence was committed just because

the complainant was member of SC/ST community. The factum of cheating and forgery is yet to be established.

In absence of criminal antecedents and that the material placed on record does not disclose the possibility of appellant fleeing from justice and looking

to the extra-ordinary situation created by on-going COVID-19 pandemic, this Court is inclined to extend the benefit of anticipatory bail to the

appellant.

Accordingly, without expressing any opinion on merits of the case, present appeal is allowed and the impugned order dated 19.04.2021 passed by the

Special Judge (Atrocities) Datia (M.P.) is quashed by directing that the appellant be released on anticipatory bail in the event of his arrest on

furnishing a personal bond in the sum of Rs.50,000/-(Rs. Fifty Thousand only) with one solvent surety of the like amount, to the satisfaction of the

Arresting Authority.

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

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;

6. The appellant will not leave India without previous permission of the

concerned available Magistrate/Investigating Officer, as the case may be;
A copy of this order be sent to the court below for information.
C.c as per rules.