

(2019) 11 MP CK 0014
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 8642 Of 2019

Ranjeet Raghuwanshi	Vs	APPELLANT
State Of Madhya Pradesh And Another		RESPONDENT

Date of Decision : 04-11-2019

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(v), 3(1)(w), 14A(2)
Code Of Criminal Procedure, 1973 — Section 164, 439
Indian Penal Code, 1860 — Section 363, 366A, 376(2)(N),

Citation : (2019) 11 MP CK 0014

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Jai Prakash Bhargawa

Final Decision : Allowed

Judgement

Counsel for both the side are abstaining from work presumably because of the call given by the M.P. High Court Bar Association, Gwalior.

Case diary is available therefore, appeal is considered finally. The appellant has filed this appeal under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 being aggrieved by order dated 26.09.2019 passed by Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Guna; whereby, bail application under Section 439 of Cr.P.C. of appellant has been rejected.

Appellant is in confinement since 20.09.2019, in connection with Crime No.37/2019, registered at Police Station Aron, District Guna, for offences punishable under Sections 363, 366-A, 376(2) (N) of IPC and Sections 3(1)(w) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

As per pleadings and submissions of appeal as well as contents of case diary, it is

the case where prosecutrix left her maternal home on her own volition and was in love relationship with the appellant. Statement of prosecutrix recorded under Section 164 of Cr.P.C. is non implicative in nature. Out of the relationship between appellant and prosecutrix, a child namely Krishna has been born. Appellant is in confinement since 20.09.2019 amounts to pretrial detention. He undertakes to cooperate in the investigation/trial and make himself available as and when required by the trial court. He would not be a source of embarrassment and harassment to the complainant party in any manner. He would not move in the vicinity of complainant party. He also undertakes to do some community service. Under these grounds, he prayed for grant of bail to the appellant.

Shri Bhargawa opposed the prayer and prayed for dismissal of this appeal.

Considering the submissions advanced and looking to the fact situation but without commenting on the merits of the case, appeal is allowed. It is hereby directed that in case of arrest appellant shall be released on bail on his furnishing personal bonds in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount, to the satisfaction of the trial Court concerned.

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

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; he would not move in the vicinity of complainant in any manner.
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 them from disclosing such facts to the Court or to the Police Officer, as the case may be and would not move in the vicinity of the complainant;
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 Investigating Officer, as the case may be.

As per the undertaking given by counsel on behalf of the appellant, it is hereby directed that appellant shall plant 5 saplings (either fruit bearing trees or Neem/ Peepal) alongwith tree guards or has to make arrangement for fencing for protection of the trees because it is the duty of the appellant not only to plant the saplings but also to nurture them. "वृक्षारोपण के साथ, वृक्षापोषण भी आवश्यक है।" He shall plant saplings/ trees preferably of 6-8 ft., so that they would grow into full fledged trees at an early time. For ensuring the compliance, he shall have to submit all the photographs of plantation of

trees/saplings before the concerned trial Court alongwith a report within 30 days from the date of release of the appellant. The progress reports shall be submitted by the appellant before the trial Court on expiry of every three months for two years.

It is the duty of the trial Court to monitor the progress of the trees because human existence is at stake because of the environmental degradation and Court cannot put a blind fold over any casualness shown by the appellant regarding compliance. Therefore, trial Court is directed to submit a report regarding progress of the trees and the compliance made by the appellant by placing a short report before this Court every quarterly (every three months), which shall be placed under the caption "Direction" before this Court.

Any default on behalf of appellant in plantation or caring of trees shall disentitle the appellant from enjoying the benefit of bail.

The appellant shall be at liberty to plant these saplings/trees at an place of his choice, if he intends to protect the trees on his owncost by providing tree guards or fencing or he may plant the saplings at the place of his choice or where he lives for which appellant shall have to bear necessary expenses for plantation of the trees and their measures for safeguard.

This direction is made by this Court as a test case to address the Anatomy of Violence and Evil by process of Creation and a step towards Alignment with Nature. The natural instinct of compassion, service, love and mercy needs to be rekindled for human existence as they are innately engrained attributes of human existence.

"It is not the question of Plantation of a Tree but the Germination of a Thought."

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

Certified copy as per rules.