

(2023) 02 MP CK 0082

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 3039 Of 2023

Ravindra Pachauri @ Chukku

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 24-02-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1) (w)(ii), 3(2)(v), 3(2)(va), 14A(2)
Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 366, 376(2)(N), 506

Citation : (2023) 02 MP CK 0082

Hon'ble Judges : Atul Sreedharan, J

Bench : Single Bench

Advocate : Rajeev Upadhyay

Final Decision : Allowed

Judgement

Atul Sreedharan, J

The advocates are abstaining from work event though the call for the same has been recalled by the Bar Council of Madhya Pradesh apparently because the same has yet not been communicated to the learned counsels. Therefore, learned counsel for the appellant is not appearing.

This appeal under Section 14-A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the SC/ST Act") filed by the appellant assailing the order dated 25.01.2023 passed by Special Judge (SC & ST Act) Datia whereby the application under Section 439 of Cr.P.C. has been rejected.

The appellant is in judicial custody since 17.09.2022 in connection with Crime No.197/2022 registered at Police Station -Sevdha, District- Datia for the offence punishable under Sections 366, 376(2)(N), 506 of IPC and Section 3(1) (w)(ii), 3(2)(v), 3(2)(va) of SC/ST Act.

The allegation against the appellant is that he eloped with the prosecutrix who is adult a lady of SC/ST Community and committed rap with her.

Learned counsel for the State while opposing the application for grant of bail has read out the 164 statement of the prosecutrix which prima facie strongly reveals consent on her part.

Under the circumstances, the appeal is allowed and it is directed that the appellant shall be released on bail upon his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the learned trial Court.

C.C. as per rules.