

(2024) 04 MP CK 0046

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 4355 Of 2018

Saddo @ Sadik Khan

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 05-04-2024

Acts Referred:

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s), 3(2)(va), 14A(2)
Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 323, 506II

Citation : (2024) 04 MP CK 0046

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Dharmendra Kumar Garg, Ravindra Singh Kuswah

Final Decision : Allowed

Judgement

@JUDGEMENT- JUDGEMENT

Sunita Yadav, J

This is first criminal appeal filed by the appellant under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as "SC/ST Act") assailing the order dated 22.3.2024 passed by Special Judge, Atrocities, Gwalior (M.P.) whereby, application preferred by the appellant herein under Section 439 of Cr.P.C. relating to FIR No. 300 of 2017 registered at Police Station - University, District Gwalior (M.P.) for the offence under Section 3(1)(r)(s) of the SC/ST Act, Section 294 of IPC, Section 323 of IPC r.w. Section 3(2)(va) of the SC/ST Act and Section 506 (Part-II) of IPC r.w. Section and 3(2)(va) of the SC/ST Act has been rejected.

This is a case of bail jump.

Learned counsel for the appellant/accused argued that the reason for non-appearance of the appellant before the trial Court is bonafide as he had went to

attend the last rites ceremony of his relative. It is further argued that appellant shall abide by all the conditions in granting bail. He is in custody since 20.3.2024. Appellant is permanent resident of District Gwalior (M.P.) and there is no possibility of his absconson or tampering with the prosecution evidence. Hence, he prays for grant of bail to the appellant.

Per contra, learned counsel for the State vehemently opposed the appeal and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this appeal is allowed and it is directed that Rs.1,000/- (Rupees One Thousand Only) be forfeited from personal bond of the appellant and fresh surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) be furnished with one solvent surety in the like amount to the satisfaction of the trial Court, he should be released on bail.

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;
- 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 will not commit any other offence or will not repeat the offence in future. In case, if he/she is found involving in the offence of the same nature, this bail order shall stand cancelled automatically without further reference to the Bench.
- 5) The appellant will not seek unnecessary adjournments during the trial; and
- 6) The appellant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.