

(2020) 08 MP CK 0155

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 4032 Of 2020

Sandeep Yadav

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 31-08-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3)

Indian Penal Code, 1860 — Section 376(D)

Protection Of Children From Sexual Offences Act, 2012 — Section 3, 4

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(w)(ii), 3(2)(v), 14A

Citation : (2020) 08 MP CK 0155

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : J. L. Soni, Ritwik Parashar

Final Decision : Allowed

Judgement

Case diary is available.

Arguments heard.

This is first Criminal Appeal filed on behalf of the appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant is apprehending his arrest in the connection with Crime No.159/2019 as the offence has been registered under Section 376(D) of IPC and Section 3/4 of POCSO and Sections 3(1)(w)(ii), and 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in the Police Station Begamganj, District Raisen.

Learned counsel for the appellant submits that he is in jail since 30.06.2020 and he has falsely been implicated in this case. He further submits that the trial in respect of other co-accused persons has been concluded vide judgment dated 27.12.2019, wherein they have been acquitted. He further submits that the

present appellant since was in hospital, therefore, trial against him could not be conducted. Upon these grounds, he prays for grant of bail to the appellant.

Learned counsel appearing on behalf of the respondent/State has opposed the appeal and prays for its dismissal.

Considering the aforesaid facts and circumstances of the case despite opposition of the bail application by the respondent/State and also the fact that there is outbreak of pandemic (COVID-19) in the country, I am inclined to consider and allow the bail application of the present appellant, accordingly, this appeal is allowed with the directing to the trial Court to conclude the trial within a period of six months after the commencement of physical trial in the trial Court.

It is directed that the appellant be released on bail upon his furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety in the like amount to the satisfaction of the Court concerned for his appearance on the dates given by it.

It is further directed that the appellant shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

The jail authority is also directed to ensure that the appellant is examined by the jail doctor to ascertain that he is not affected with the COVID-19 virus. If the doctor suspects otherwise, the appellant shall be referred to the appropriate hospital for further management as per the protocol laid down by the State. In the event, the jail doctor is of the opinion that the appellant can be released, then he shall be released.

A copy of this order be forwarded to the concerned trial Court through E-mail.

Certified copy as per rules.