
(2020) 02 MP CK 0145

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 1277 Of 2020

Satendra Alias Kallu Baghel

APPELLANT

Vs

State Of Madhya Pradesh And Anr

RESPONDENT

Date of Decision : 24-02-2020

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 3(2)(v a), 14(A)(2)
Code Of Criminal Procedure, 1973 — Section 161, 164, 439
Indian Penal Code, 1860 — Section 363, 366(A), 376, 376(2)(i), 368
Protection Of Children From Sexual Offence Act, 2012 — Section 3, 4

Citation : (2020) 02 MP CK 0145

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : Rajiv Sharma, R.K. Mishra

Final Decision : Allowed

Judgement

Present appeal has been filed under Section 14 (A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity

'the Act') against the order dated 21-01-2020 passed by Special Judge (Atrocities), Bhind whereby the application of the appellant under Section 439

of Cr.P.C. seeking bail has been rejected.

Appellant is in custody since 26-06-2019 in connection with Crime No.333/2019 registered at Police Station City Kotwali, Bhind for the offence

punishable under Sections 363, 366-A, 376 (2)(i), 368 of IPC, Section 3/4 of the POCSO Act and under Sections 3(2)(v), 3(2)(v-a) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is submitted by learned counsel for the appellant that the case is of false implication and he is suffering confinement since 26-06-2019 whereas

charge-sheet has already been filed. Learned counsel referred the statements under Sections 161 and 164 of Cr.P.C. of prosecutrix and submits that

she left her maternal home on her own volition and no allegation of rape is available in the statement. At best it is a case under Sections 363 and 366-

A of IPC and not at all the case under Section 376 of IPC. Confinement since 26-06-2019 amounts to pretrial detention. Appellant undertakes to

cooperate in trial and would make himself available as and when required by the trial Court. He further undertakes that he would not move in the

vicinity of prosecutrix in any manner and would not be a source of harassment and embarrassment to the complainant party. He further undertakes to

do some community service also if granted bail. Thus, prayed for grant of bail.

On the other hand, learned counsel for the State opposed the bail application and prayed for the dismissal of appeal.

Heard learned counsel for the parties and perused the case diary. Considering the submissions made by learned counsel for the parties and fact

situation of the case, without expressing any opinion on merits of the case, I deem it appropriate to allow this appeal in the following terms.

It is directed that the appellant be released on bail on his 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 concerned trial Court for his regular appearance before the trial Court on the condition that

he shall remain present before the Court concerned during the trial

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

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