

(2020) 11 MP CK 0031
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 5127 Of 2019

Shubham Singh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 05-11-2020

Acts Referred:

Scheduled Castes And Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(2)(5), 14A
Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 34, 363, 366Ka

Citation : (2020) 11 MP CK 0031

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : Kamal Singh Rajput, Pradeep Gupta

Final Decision : Allowed

Judgement

J. P. Gupta, J

This is an appeal filed under section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the impugned order dated 24/09/2020 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act, Khandwa in Special Case No.UR/2020 whereby the court below has dismissed the application filed by the appellant under section 439 of the Cr.P.C.

The appellant is in custody since 05/09/2020 for the offence under section 363, 366-Ka, 34 of IPC and section 3(2)(5) of the SC/ST (Prevention of Atrocities) Act in Crime No.207/2020 registered at Police Station Jawar, District Khandwa.

The allegation against the appellant/accused is that he provided his motor cycle to facilitate the commission of the offence by co-accused Gouri @ Gourishankar.

Looking to the fact that the applicant is in custody since 05/09/2020, charge sheet has been filed, trial will take time and he has no criminal antecedent, in view of this Court the applicant's further custody is not warranted. Hence without

commenting anything on the merits of the case, impugned order is set aside and this appeal is allowed. It is ordered that the appellant/accused namely Shubham Singh be released on bail on his furnishing a personal bond in the sum of Rs.25,000/-(Rs. Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the trial court for securing his presence before the said Court on all dates of hearing fixed in this regard during trial and for complying with the conditions enumerated in sub-section (3) of Section 437 of Cr.P.C

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