

(2023) 10 MP CK 0042
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 12844 Of 2023

Sonu Goswami

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 10-10-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v), 14(A)
Indian Penal Code, 1860 — Section 34, 120B, 306, 420

Citation : (2023) 10 MP CK 0042

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Naval Kumar Gupta, Rajendra Singh Yadav

Final Decision : Allowed

Judgement

Sunita Yadav, J

This is the first criminal appeal filed by the appellant under Section 14(A) (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act for grant of bail relating to FIR No. 434 of 2023 registered at Police Station Jhansi Road, District Gwalior (M.P.) for the offence under Sections 306, 420, 120-B and 34 of IPC and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

The allegation against the present appellant - accused is that received money amounting to Rs.9,60,000/- from deceased Rajendra on account of false promise of employment and for selling the land to him, however, appellant - accused did not fulfill his promise on account of which deceased committed suicide.

Learned counsel for the appellant argued that the appellant is innocent and has falsely been implicated in this case. There is no evidence on record to show that Rs.9,60,000/- was taken by the present appellant. Before his death, deceased Rajendra never lodged any report in any police station regarding alleged

harassment by the present appellant. Even if the whole case of the prosecution is found to be true, there is no ingredient to show that appellant instigated the deceased to commit suicide. It is further submitted that appellant is in custody since 08.9.2023. It is further argued that the co-accused namely, Kalu Goswami has already been granted the benefit of bail by this Court vide order 04/10/2023 passed in Cr.A. No.12166/2023 and the case of present appellant is on better footing than the co-accused. The appellant is the permanent resident of District Gwalior (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Hence, he prays for grant of bail to the appellant.

On the other hand, learned State counsel opposed the appeal and prayed for its dismissal.

Considering the facts and circumstances of the case, without commenting upon the merits of the case, this appeal stands allowed and it is directed that the appellant be released on bail on furnishing a personal bond in the sum of Rs. 1,00,000/- (Rs. One Lakh only) with one solvent surety in the like amount to the satisfaction of the concerned trial Court.

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 shall not commit an offence similar to the offence of which he is accused;
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.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.