

(2020) 02 MP CK 0058

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 1608 Of 2020

Sunil @ Vikram Ahirwar

APPELLANT

Vs

State Of Madhya Pradesh And Anr

RESPONDENT

Date of Decision : 14-02-2020

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(w), 14(A)(2)
Indian Penal Code, 1860 — Section 34, 354(D), 376(D), 376(2)(N), 450, 506
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2020) 02 MP CK 0058

Hon'ble Judges : Anand Pathak, J

Bench : Single Bench

Advocate : D.R.Sharma, Kshitij Sharma

Final Decision : Allowed

Judgement

The appellant has filed this appeal under Section 14(A)(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 being

aggrieved by order dated 6/2/2020 passed by trial Court; whereby, bail application u/S.439, Cr.P.C. of appellant has been rejected.

Appellant is in confinement since 12/11/2019 in connection with crime No.237/2019 registered at Police Station Bhandar, District Datia, for offences

punishable under Sections 376-D, 376(2)(N), 354(D), 450, 506 read with Section 34 of IPC and Sections 3(1)(w) of the Scheduled Castes and

Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is the submission of counsel for the appellant that false case has been registered against him and he is suffering confinement since 12.11.2019,

whereas charge-sheet has already been filed. Prosecution story indicates an improbable event. Apparently applicant and prosecutrix were in

relationship and it is a case of detected adultery at best. Confinement amounts to pre-trial detention. He undertakes to cooperate in trial and would not

be a source of embarrassment or harassment to the complainant party in any manner. He undertakes to perform community service.

Learned Public Prosecutor for the State opposed the prayer and prayed for its rejection.

In the fact situation of the case, considering the submissions made by learned counsel for the appellant as well as the fact that trial would take some

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

It is hereby directed that the appellant shall be released on bail on his furnishing a personal bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one

solvent surety of the like amount to the satisfaction of Trial Court.

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

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