

(2024) 05 MP CK 0062

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 5785 Of 2024

Vikas @ Vikky And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 15-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 294, 323, 341, 427, 506
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r), 3(1)(s), 3(2)(va)
Code Of Criminal Procedure, 1973 — Section 41A

Citation : (2024) 05 MP CK 0062

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Harshvardhan Pathak, Sudhanshu Vyas

Final Decision : Allowed/Disposed Of

Judgement

Vijay Kumar Shukla, J

1. This is first Criminal appeal filed on behalf of appellant U/S.14(A)(2) of SC & ST (Prevention of Atrocities) Act, 1989 in connection with Crime No.278/2024 registered at Police Station Barwani under Sections 294, 341, 323, 506, 147, 148, 149, 427 of IPC and 3(1)(r), 3(1)(s), 3(2)(va) of SC & ST Act.

2. As per prosecution case, on 25.04.2024, complainant respondent no.2 lodged FIR to the effect that complainant was going to Kalyanpura on his motorcycle with bag full of soaps. It is alleged that at around 04:00 PM, complainant reached Koydiya Khodra near the fields of Nainaji Sirvi, a Bolero car overtook his motorcycle and two persons appellant nos.1 and 2 came out of Bolero vehicle and asked the complainant that he is transporting illegal liquor. It is further alleged that applicant no.3,4,5,6,7 also came out of another Bolero vehicle and started using filthy language and started assaulting the complainant. On the basis of above instant FIR came in to existence.

3. Counsel for the appellants submits that after registration of FIR, the appellants were served with notice under section 41-A of Cr.P.C as per the direction of the Hon'ble Apex Court in the case of Arnesh Kumar Vs. State of Bihar reported in (2014)8 SCC 273. They have co-operated with the investigation. After investigation, the charge sheet is filed and the appellants are in jail since 04.05.2024.

4. Counsel for the State opposes the prayer for grant of bail.

5. After hearing learned counsel for the parties and considering the fact that the appellants were served with the notice under section 41-A of Cr.P.C and they have co-operated with the investigation. According to the prosecution case, a Lathi is said to have been recovered from the appellants. The injury received by the complainant is simple in nature. Further, there is no recovery of alleged document which are said to be taken from the complainant. Considering the written objection made by the complainant before the trial Court that on behalf of the accused persons, threatening is being extended to them, I am of the view that the appellant is entitled for grant of bail on certain conditions.

7. It is directed that appellants shall be released from custody upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty thousand Only) each with one surety each of the like amount to the satisfaction of the Ld. Court below on the following conditions:-

A) That the appellants shall not approach the complainant and influence him or his witnesses.

B) That, the appellants shall mark their presence before the concerned police station on 15th of every month during the pendency of the trial.

8. A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the Ld. Court below.

9. With the aforesaid, the appeal is allowed and disposed off.