

The High Court of Madhya Pradesh
Cr.A. No. 8314/2018
(Chandu @ Chandrabhan@ Raju Vs. State of M.P.)

Gwalior Dated 16/11/2018

Shri Shailendra Dwivedi, learned counsel for appellant.

Shri R.V. S Ghuraiya, learned Public prosecutor for respondent/State.

With consent, heard finally.

Present appeal has been filed under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 10/10/2018 passed by Special Sessions Judge, Ashoknagar Distt. Ashoknagar; whereby the application of the appellant under Section 439 of Cr.P.C. seeking bail has been rejected.

Appellant is in custody since 12/09/2018 in connection with Crime No. 69/2018 registered at Police Station City Kotwali, District Ashoknagar for the offence punishable under Sections 323, 294 and 506 and 34 of IPC and Sections 3 (1)(r), 3(1)(s) and 3(2)(V-A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellant submits that it is case of false implication. Minor verbal altercation converted into registration of the case against the applicant. Charge-sheet has already been filed. and therefore, applicant would not temper with the evidence. His confinement would amounts to pre trial detention.

Learned counsel for the State opposed the prayer made by the appellant.

Heard learned counsel for the parties and perused the case diary.

In the fact situation of the case, considering the submissions made by learned counsel for the appellant as well as the fact that he is behind the bars, as a pretrial detention and investigation and trial would take some time, without expressing 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 their furnishing a personal bond of **Rs. 50,000/- (Rupees Fifty**

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Thousand only) with one solvent surety each 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 :-

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 and would not move in the vicinity of the complainant;
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;
6. The appellant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be; and

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

C.c. as per rules.

(Anand Pathak)
Judge

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