

THE HIGH COURT OF MADHYA PRADESH

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Cr.A.No.8654/2018

Amit Nayak Vs. State of M.P. & Anr.

Gwalior Bench Dated : 06.12.2018

Shri Anshu Gupta, learned counsel for the appellant.

Shri Pramod Pachori, learned Public Prosecutor for respondent No.1/State.

Shri Rajendra Yadav, learned counsel for respondent No.2.

With consent heard finally.

Present appeal has been filed under Section 14 (A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the Act') against the order dated 30-10-2018 passed by Special Judge (Atrocities), Vidisha whereby the application of the appellant under Section 439 of Cr.P.C. seeking bail has been rejected.

Appellant is in custody since 22-09-2018 in connection with Crime No.706/2018 registered at Police Station Civil Line Sironj district Vidisha for the offence punishable under Section 354-A, 354-D, 506 of IPC, under Sections 3(2)(v-a) and 3(1)(w-1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 7/8 of the Protection of Children from Sexual Offences Act, 2012.

It is submitted by learned counsel for the appellant that the case is of false implication because corporator and his associates have framed the appellant because his father made complaint of corruption against them. He is innocent and never committed such offence. He undertakes not to repeat the offence as alleged. Charge-sheet has already been filed. He further undertakes to cooperate in the trial. Confinement amounts to pretrial detention.

On the other hand, learned counsel for the State opposed the bail application and prayed for the dismissal of appeal.

Learned counsel for respondent No.2/complainant also opposed the bail application.

Heard learned counsel for the parties and perused the

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case diary.

Considering the submissions made by learned counsel for the parties and fact situation of the case, without expressing any opinion on merits of the case, I deem it appropriate to allow this appeal in the following terms.

It is directed that the appellant be released on bail on his furnishing a personal bond in the sum of **Rs.1,00,000/- (Rs. One Lac only)** with one solvent surety of the like amount to the satisfaction of the concerned trial Court for his regular appearance before the trial Court on the condition that he shall remain present before the Court concerned during the trial

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.
 7. The appellant shall mark his attendance before the concerned Police Station **on each day between 10 am to 4 pm** till conclusion of trial.
 8. Any default shall be informed by the complainant and would be a ground for cancellation of bail of the appellant.
- A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(Anand Pathak)
Judge