

THE HIGH COURT OF MADHYA PRADESH

CRA-5880-2021

Shyamu Raghuwanshi Vs. State of M.P. & Another

Gwalior, Dated : 20/10/2021

Shri J.P. Mishra, counsel for the appellant.

Shri C.P. Singh, counsel for the respondent No.1/ State.

None for the complainant.

Case diary is available.

It is submitted by the counsel for the State that the complainant has been informed about the pendency of this appeal as required under Section 15-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

This appeal has been filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the order dated 02.09.2021 passed by Special Judge (Atrocities Act) Vidisha, rejecting the bail application.

The appellant has been arrested on 22.08.2021 in connection with Crime No.31/2015 registered by Police Station Nateran, district Vidisha for offence punishable under Sections 294, 324, 506 of IPC and Section 3 (1) (10) of SC/ST Act.

It is submitted by the counsel for the appellant that appellant was earlier granted bail and trial is pending since 2015. Earlier the appellant did not appear before the trial Court on 25.02.2016 and was rearrested on 09.04.2018. Thereafter, on 12.04.2019, again he did not appear before the trial Court and was rearrested on 11.07.2019. It is submitted that again on 29.01.2021, he did not appear before the trial

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court and he was rearrested on 22.08.2021. It is submitted that it is true that the appellant has a criminal history and some more minor offences were registered during the period when he did not appear before the trial Court but now he has learned a lesson and he is in jail from more than one and a half months. In view of his previous conduct and criminal history, appellant is ready and willing to abide by any stringent condition including that of furnishing cash surety. The trial is likely to take sufficiently long time and now there is no possibility of his absconding or tampering with the prosecution case.

Per contra, the appeal is opposed by the counsel for the State. It is submitted that the appellant has a criminal history and as many as 11 more criminal cases were registered against him. However, after going through the details of those criminal cases, it is fairly conceded that most of the cases were registered under Sections 323, 327, 506, 294 of IPC.

Considering the conduct of appellant in remaining absent before the trial Court as well as considering the criminal antecedents of the appellant according to which 11 more criminal cases were registered against him and mostly which are for offence under Sections 323, 294, 506, 327 of IPC as well as in view of the concessional statement made by Shri Mishra that appellant is ready and willing to furnish cash surety and without commenting on the merits of the case, the appeal is **allowed**. It is directed that the appellant be released on bail on

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furnishing cash surety of **Rs. 1,00,000 (Rs. One Lac)** or in the alternative on depositing original title-deed(s) [not Rin Pustika] of the immovable property worth of more than the said amount, as directed by the Supreme Court in the case of **Sharo @ Shahrukh vs. The State of M.P. by order dated 6.9.2021 passed in SLP (Cri.) No.6321/2021** to the satisfaction of the Trial Court/Committal Court to appear before the Court on the dates given by the concerned Court.

It is made clear that single default in appearance before the Trial Court, or in case of registration of new offence, this bail order shall automatically come to an end and the cash surety so furnished by the appellant shall automatically stand forfeited without any reference to the Court.

This order shall remain effective till the end of the trial but in case of bail jump, it shall become ineffective.

In the light of the judgment passed by the Supreme Court in the case of **Aparna Bhat & Ors. vs. State of M.P.** passed on **18.3.2021** in **Criminal Appeal No.329/2021**, the intimation regarding grant of bail be sent to the complainant.

Certified copy as per rules.

(G.S. Ahluwalia)
Judge