

**THE HIGH COURT OF MADHYA PRADESH**  
**CRA No.6744/2021**  
**(PRADEEP SINGH VS. STATE OF M.P. & ANR.)**

**Gwalior, Dated : 06/12/2021**

Shri Sanjay Gupta, learned counsel for the appellant.

Shri C.P.Singh, learned counsel for the State.

None for the respondent No. 2/complainant.

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 (in short "Act").

Case diary is available.

This is third repeat appeal has been filed under Section 14-A (2) of the Act against the order dated 05/12/2020 passed by Special Judge (Atrocities Act) Ashoknagar, rejecting the bail application. Second appeal of the appellant was dismissed by order dated 28/06/2021 passed in CRA No.3629/2021.

The appellant has been arrested on 31/05/2020 in connection with Crime No.108/2020 registered by Police Station Bahadurpur, District Ashoknagar for offence punishable under Sections 307, 294, 147, 148, 149, 436 and 302 of IPC and Sections 3(2)(v), 3(2)(iv), 3(1)(द) and 3(1)(घ) of the Act.

It is submitted by the counsel for the appellant that although, the previous bail applications of the appellant have already been rejected on merits, but he is in jail from 31/05/2020. The appellant

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was not named in the FIR and he was subsequently identified in the Test Identification Parade, which was conducted on 27/07/2020 i.e. after approximately more than one and half months from the date of his arrest. There is nothing on record to show that the appellant was produced before the Court below with covered face. Furthermore, omnibus allegations of assaulting the deceased and the victims have been levelled, which are not supported by medical evidence.

*Per contra*, the appeal is vehemently opposed by the counsel for the appellant. It is submitted that the appellant has a criminal history and at Police Station Kotwali, District Ashoknagar in Crime No.89/2010 was registered under Section 392 of IPC, Crime No. 543/2010 was registered under Sections 327, 294, 506, 329 of IPC, Crime No.31/2011 was registered under Sections 341, 323, 294, 506 and 34 of IPC, Crime No.146/2012 was registered under Section 452, 294, 506 and 34 of IPC and Crime No.764/2012 was registered under Sections 302, 307 and 452 of IPC.

Similarly, at Police Station Dehat, District Ashoknagar in Crime No. 996/2013 was registered under Section 34 of M.P. Excise Act, Crime No.197/2013 was registered under Section 34 of M.P. Excise Act, Crime No.344/2014 was registered under Section 379 of IPC, Crime No.351/2014 was registered under Section 379 of IPC, Crime No.87/2015 was registered under Section 461 of IPC, Crime

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No.88/2015 was registered under Section 379 of IPC, Crime No.508/2015 was registered under Sections 341, 294, 323, 506 and 34 of IPC, Crime No.179/2016 was registered under Sections 498-A, 323, 506 and 427 of IPC, Crime No.293/2017 was registered under Section 13 of Public Gambling Act, Crime No.355/2017 was registered under Section 13 of Public Gambling Act, Crime No.316/2018 was registered under Sections 294, 323 and 506 of IPC and under provisions of the Act, Crime No.327/2018 was registered under Sections 341, 294, 323 and 506 of IPC, Crime No.492/2018 was registered under Sections 324, 341, 294, 323, 506, 327 and 34 of IPC, Crime No.605/2018 was registered under Public Gambling Act and Crime No.673/2018 was registered under Section 34 of M.P. Excise Act.

The Supreme Court in the case of **Anil Kumar Yadav Vs. State (NCT of Delhi) and Another** reported in **(2018) 12 SCC 129** has held that in a case of murder, the period of detention of one year cannot be said to be excessive.

Heard the learned counsel for the parties.

So far as the question of keeping the appellant with covered face is concerned, the appellant has not filed any document to show that at the time of production of the appellant before the Court, the injured witnesses were present and they had an occasion to see the

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appellant. Whether the delay in holding the TIP is reasonably explained by the prosecution or not is to be considered by the Trial Court. The allegations are that the younger brother of the complainant was cutting a branch of a tree, which was objected by co-accused Balram Yadav (father of co-accused Girraj Yadav). When the younger brother of the complainant did not listen to the objection raised by co-accused Balram Yadav, then it is alleged that co-accused Balram Yadav challenged the younger brother of the complainant and said that he would call his son and who will take care of him. Thereafter, it is alleged that co-accused Girraj Yadav came along with various co-accused persons including the appellant. Assault was made on the head of the father of the complainant. The witnesses were also beaten. The house of the complainant was also set on fire. The manner in which the offence has taken place clearly *prima facie* indicates that the appellant and other co-accused persons were the member of an unlawful assembly and were sharing common object.

Be that whatever it may be.

So far as the period of detention is concerned, the appellant has not placed the copy of the order-sheets of the Trial Court to indicate that it is the prosecution only who is responsible for the delay.

Under these circumstances, this Court is of the considered opinion that it is not a fit case for grant of bail to the appellant.

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Accordingly, the appeal fails and is hereby **dismissed**.  
However, liberty is granted to the appellant to revive the prayer  
alongwith the complete order-sheets of the Trial Court to indicate that  
he or any of the co-accused persons are not responsible for the delay.

Pj'S/-

**(G.S. Ahluwalia)  
Judge**