

The High Court Of Madhya Pradesh
CRA-756-2021

(VARUN PAL Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Gwalior, Dated:-22/02/2021

Shri D.R.Sharma, learned counsel for the appellant.

Shri Nitin Goyal, learned Panel Lawyer for the respondent
No.1/State.

Shri Rameshwar Rawat, learned counsel for the respondent
No.2/complainant.

I.A. No.3928/2021, an application for urgent hearing is taken
up, considered and allowed for the reasons mentioned therein.

Also heard on I.A.No.5430/2021, an application under section
301(2) of Cr.P.C. for assisting the prosecution.

For the reasons stated in the application, the same is allowed
and Shri Rameshwar Rawat, learned counsel and his associates are
permitted to assist the prosecution on behalf of the complainant.

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 15.01.2021 passed by Special Judge
(Atrocities), District Datia, whereby the application of the appellant
under Section 439 of Cr.P.C. seeking regular bail has been rejected.

Appellant has been arrested on 19/11/2020 by Police Station-
Tharet, District Datia (M.P.) in connection with Crime No.173/2020
registered for offence under Sections 307, 323, 294, 147, 148, 149 of
I.P.C. and section 3(2)(d), 3(2)(dh) and section 3(2)(panch-k)

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Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the SC & ST Act”).

It is submitted by learned counsel for the appellant–**Varun Pal** that the appellant has falsely been implicated in this case. The present appellant is not the main accused of this case. The appellant is in custody since 19/11/2020 and the cross cases were registered against both the parties, therefore, section 307 of I.P.C. is not made out against the present appellant. It is further submitted that the investigation is complete and charge-sheet has been filed and the present appellant is of causing injury to Dharmendra on his head by Farsa (sharp cutting object) and there is no previous injury was caused. Trial will take its own time. Appellant is ready to abide by any condition which may be imposed by this Court. Hence, prayed for grant of bail to the appellant.

Per contra, State Counsel as well as counsel for the complainant have vehemently opposed the bail application and has submitted that the case is registered under Sections 307, 323, 294, 147, 148, 149 of I.P.C. and section 3(2)(d), 3(2)(dh) and section 3(2) (panch-k) of SC & ST Act and also submit that the present appellant has caused injury over the head of the Dharmendra by using Farsa, the aforesaid injuries is supported by the medical evidence. It is further submitted that the other co-accused of this case is still absconding.

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Hence, he prayed for dismissal of this first bail application.

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

Considering the facts and circumstances of the present case and looking to the custody period of the present appellant, without commenting upon the merits of the case, the appeal is allowed and it is hereby directed that the appellant shall be released on bail on his furnishing personal bond of **Rs.75,000/- (Rupees Seventy Five Thousand only)** with one solvent surety of the like amount to the satisfaction of the Court concerned for his regular appearance before the Court concerned on the dates fixed by the Court concerned.

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 them 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. In case of repetition of offence, this bail order shall automatically stand cancelled;**
5. The appellant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;

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

7. The appellant will inform the SHO of concerned Police Station about his/her residential address in the said area and it would be the duty of the State Counsel to send **E-copy** of this order to SHO of concerned Police Station for information.

Appeal stands allowed and disposed of.

Certified copy as per rules.

(Rajeev Kumar Shrivastava)
Judge

Monika