

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE DEEPAK KUMAR AGARWAL

ON THE 30th OF JANUARY, 2023

CRIMINAL APPEAL No. 1273 of 2023

BETWEEN:-

1. NARENDRA RAJAK S/O SHRI MOHAN RAJAK,
AGED ABOUT 19 YEARS, OCCUPATION: STAUDY
GWALIOR ROAD INDARGARH (MADHYA
PRADESH)
2. JITENDRA RAJAK S/O SHRI MOHAN RAJAK,
AGED ABOUT 23 YEARS, OCCUPATION: STUDENT
GWALIOR ROAD INDARGARH TEHSIL
INDRAGARH (MADHYA PRADESH)
3. MOHAN SINGH RAJAK S/O SHRI NANDE RAJAK,
AGED ABOUT 55 YEARS, OCCUPATION:
SHOPKEEPER GWALIOR ROAD INDARGARH
TEHSIL INDRAGARH (MADHYA PRADESH)

.....APPELLANT

(SHRI ASHUTOSH PANDEY, LEARNED COUNSEL FOR APPELLANTS)

AND

1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION P.S. INDARGARH (MADHYA
PRADESH)
2. SMT. PRABHA @ RANI SHAKY W/O SHRI
RAMJILAL SHAKY, AGED ABOUT 38 YEARS,
GWALIOR ROAD INDARGARH (MADHYA
PRADESH)

.....RESPONDENTS

**(SHRI AMIT RAWAT, LEARNED COUNSEL FOR RESPONDENT [R-2] AND
SHRI B.M.SHRIVASTAVA, LEARNED PUBLIC PROSECUTOR FOR
RESPONDENT/STATE)**

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*This appeal coming on for hearing this day, the court passed the
following:*

ORDER

This is 2nd repeat criminal appeal under Section 14-A(2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act filed by the appellants for grant of bail after dismissal of earlier one as withdrawn by order dated 9.12.22 passed in Cr.A. No.10778/2022 by this Court.

The appellants are apprehending their arrest in connection with Crime No.360/2022 registered at Police Station Indergarh District Datia (MP) for the offence punishable under Sections 323, 294, 506, 34 of IPC and sections 3(1)(r)(s), 3(2)(v-a) of SC/ST Act.

As per prosecution story, on 22.10.2022 complainant Smt. Prabha alias Rani Shakya aged 38 years lodged report at Police Station Indergarh District Datia to the effect that on 22.10.2022 at 8:00 am, on account of hanging of electric bulb (Jhalar), a dispute arose between appellants and complainant. Thereafter the accused started abusing her with filthy language by taking her caste name in derisive manner. When the complainant objected, the appellant started assaulting her with kick and fist blows. On listening hue and cry, husband and nephew of the complainant came there and save the complainant. On her report, crime under the above sections was registered and the matter was investigated. All the accused were released by Police after giving notice under Section 41(1) of Cr.P.C.

It is submitted by learned counsel for the appellant that the appellant has falsely been implicated. He has not committed any offence. No case under the SC/ST Act is made out against the appellant and other offences registered under the IPC are bailable. The police has filed the charge-sheet against the appellant without any information or notice to him. It is further submitted that the appellants are the reputed citizens of the society and if they are sent to jail

then their social reputation would get diminished. Hence, appellants prayed to allow this appeal and grant of benefit of anticipatory bail to the appellants.

Learned Public Prosecutor opposed the appeal and prayed for its rejection.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the record.

Considering the facts and circumstances of the case and without commenting on merits of the case, the appeal is allowed. It is directed that in the event of arrest, appellants be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only) each** with one solvent surety of the like amount to the satisfaction of the Arresting Authority/Investigating Officer.

The appellants shall cooperate in the trial and shall regularly appear before the trial Court as and when required. They shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

With the aforesaid directions, the present application stands disposed of.
Certified copy/ e-copy as per rules/directions.

(DEEPAK KUMAR AGARWAL)
JUDGE