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CRA-10675-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 19th OF SEPTEMBER, 2024CRIMINAL APPEAL No. 10675 of 2024*INDRAPAL GURJAR**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Yash Sharma - Advocate for the petitioner.

Shri Dinesh Savita - G.A. for the respondent/State.

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ORDER

This is first Criminal Appeal under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as "SC/ST Act") filed by the appellant assailing the order dated 10.09.2024 passed by Special Judge, SC/ST Act, Datia (M.P.) whereby, application preferred by the appellant herein under Section 483 of BNSS (439 of Cr.P.C.) relating to Crime No.98 of 2023 registered at Police Station Dheerpura, District Datia (M.P.) for the offence under Sections 354, 341, 506 of IPC and Section 3 (1)(w)(i) and 3(2)(v-a) of the SC/ST Act has been rejected.

Learned counsel for the appellant argued that appellant is innocent and has been falsely implicated. He is under custody since 9.9.2024. After conclusion of investigation charge-sheet has already been filed, therefore, his custodial interrogation is not required any more. The appellant has been



falsely implicated on account of some dispute with the prosecutrix who is a major woman. There is a delay in filing the FIR for which no plausible explanation has been given. He is permanent resident of District Datia (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Hence, he prays for grant of bail to the appellant.

Per contra, learned Public Prosecutor for the respondent/State vehemently opposed the appeal and prayed for its rejection.

Considering the facts and circumstances of the case, but without commenting upon the merits of the case, this appeal stands **allowed** and it is directed that the appellant be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety** in the like amount to the satisfaction of the concerned trial Court/Committal Court.

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 from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. In case appellant commits an offence of similar nature of which he



is accused, then his bail shall stand cancelled;

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.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules

(SUNITA YADAV)
JUDGE

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