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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV**

ON THE 19th OF APRIL, 2024

CRIMINAL APPEAL No. 4660 of 2024

BETWEEN:-

**MAHENDRA KUSHWAH S/O SHRI PUROSHATTAM
KUSHWAH, AGED ABOUT 23 YEARS, KUTGHAN ROAD
SABALGARH DEVPUR MAPHI SABALGARH DISTRICT
MORENA MP (MADHYA PRADESH)**

.....APPELLANT

(BY SHRI SANJAY SINGH RAJPUT - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION THROUGH POLICE THANA
SABALGARH DISTRICT MORENA MP (MADHYA
PRADESH)**
- 2. AMIT SHAKYA S/O CHANDRAPAL SHAKYA KABIR
COLONY KUTGHAN ROAD SABALGARH DEVPUR
MAFI SABALGARH TEHSIL SABALGARH
DISTRICT MORENA (MADHYA PRADESH)**

.....RESPONDENTS

***(BY SHRI RAJEEV UPADHYAY - PUBLIC PROSECUTOR FOR
RESPONDENT NO.1/STATE)***

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

ORDER

This is first criminal appeal under Section 14 (A) (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 (hereinafter referred to as "SC/ST Act") assails the order dated 03.04.2024 passed by Special Judge, SC/ST Act, Morena (M.P.) whereby, application preferred by the appellant herein under Section 439 of Cr.P.C. relating to Crime

No. 22 of 2024 registered at Police Station Sabalgarh, District Morena (M.P.) for the offence under Sections 327, 294, 323, 506, 34 of IPC and 3(1)(d), 3(1)(Dha), 3(2)(va) of SC & ST Act has been rejected.

Learned counsel for the appellant argued that appellant is innocent and has been falsely implicated. The appellant is under custody since 02.04.2024. Injuries caused to injured are of simple in nature. The appellant is the resident of District Morena (M.P.). Conclusion of trial is likely to take time and there is no likelihood of his absconsion, if released on bail. Hence, he prays for grant of bail to the appellant.

Per contra, learned counsel for the State opposed the bail application and cited criminal history and prays 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/her 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;

5. The appellant will not seek unnecessary adjournments during the trial; and

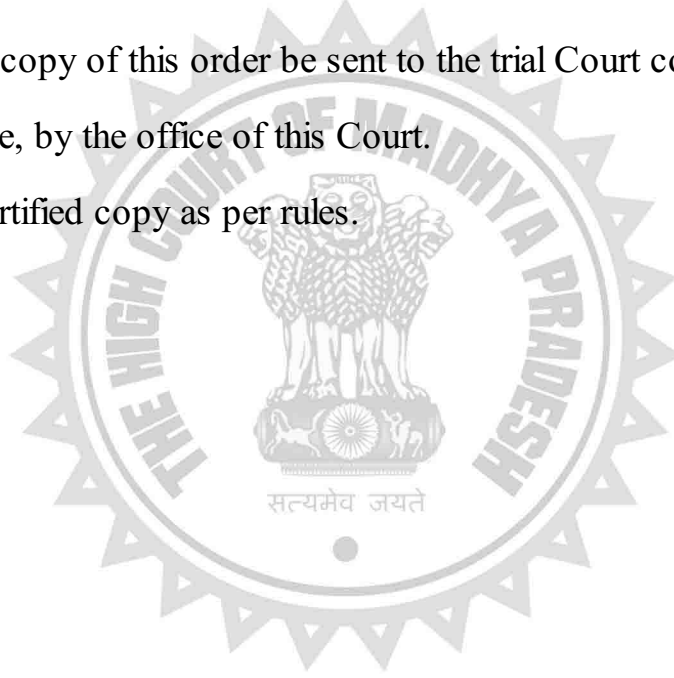
6. The appellant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

7) The appellant shall mark his presence before the SHO of the concerning Police Station in the first week of every month until the case is finally decided.

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**