

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
CRA No. 6981 of 2024**

(KOK SINGH JATAV Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 25-06-2024

Shri Sushil Goswami - learned counsel for appellant.

Shri Rohit Shrivastava - learned Panel Lawyer for respondent No.1/State.

The present first appeal has been filed under Section 14 (A) (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the order dated 17.05.2024 passed by the Special Judge, (Atrocities), Datia, whereby the application of the appellant under Section 439 of Cr.P.C seeking regular bail has been rejected in connection with Crime No.08/2024 registered at Police Station Badoni District Datia for the offence punishable under Sections 302, 307, 147, 148, 149 of IPC and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 25, 27 of the Arms Act.

Learned counsel for the appellant submits that his case is at par with the case of co-accused Deepu alias Deepak Yadav who has been bailed out by this Court in Criminal Appeal No.6854 of 2024 so also co-accused Pradeep alias Chhotu who has been bailed out by the trial Court itself on 13.06.2024. Learned counsel for the appellant submits that as per the prosecution version, two persons namely Rishabh and Puspendra died as a result of incident and some other persons have sustained grievous injuries. It is contended that the *Dehati Nalsi* was lodged by deceased Rishabh who expired on 04.01.2024 and statement of other witness Puspendra was also taken who expired subsequently on 06.01.2024. It is contended that deceased Rishabh has not named the present appellant in *Dehati Nalsi* and by referring to statement of deceased

Pushpendra, it is contended that allegation of firing gunshot was against Bhola and Shankar. The allegation against the present appellant is that he alongwith 4 co-accused persons including Deepu alias Deepak Yadav and Pradeep alias Chhotu intercepted Shekhu Tiwari after gunshot had been fired and started assaulting Shekhu Tiwari with *Lathi* and *Danda*. It is contended that by a detailed order dated 11.06.2024 Deepu alias Deepak Yadav has been granted benefit of regular bail by this Court. The case of the present appellant is at par with the case of co-accused Deepu alias Deepak Yadav who was also stated to be one of the four - five persons who assaulted Shekhu Tiwari after gunshot had been fired.

It is further submitted that there is recovery of only *Lathi* from the present appellant and no firearm has been recovered from possession of the present appellant. As such prayer is made on the ground of parity with Deepu alias Deepak Yadav as well as Pradeep alias Chhotu. It is further argued that the appellant is in custody since 06.01.2024 and he undertakes to cooperate in the trial.

Per contra, learned Panel Lawyer appearing for the respondent No.1/State vehemently opposed the appeal but could not dispute the factum of parity with the co-accused Deepu alias Deepak Yadav.

Considering the submissions made by counsel for the parties, looking to the facts and circumstances of the case, this court deems it fit to grant bail. Accordingly, the appeal is **allowed** and it is directed that the appellant be released on bail on furnishing personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only)** with one solvent surety in the like amount to the satisfaction of the trial court.

The appellant shall make himself available for interrogation by the

Investigating Officer/trial court as and when required. He shall further abide by the conditions as enshrined in Section 437 (3) of Cr.P.C.

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 co-operate 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. The appellant shall not commit any kind of offence. In case of commission of any kind of offence, this bail order shall automatically stand canceled;**
5. The appellant will not move in the vicinity of complainant party and appellant will not seek unnecessary adjournments during the trial;
6. The appellant will not leave India without previous permission of trial Court/ Investigating Officer, as the case may be.

This criminal appeal stands **disposed of** in above terms.

Let a copy of this order be sent to the Court concerned for information.

Certified copy/e-copy as per rules/directions.

(VIVEK JAIN)
V. JUDGE