

1 CRA-7025-2024
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK JAIN
ON THE 25th OF JUNE, 2024
CRIMINAL APPEAL No. 7025 of 2024**

*(SONU KAMRIA AND OTHERS
Vs
THE STATE OF MADHYA PRADESH AND OTHERS)*

Appearance:

(SHRI RAVI SHANKAR GUPTA, ADVOCATE FOR APPELLANT)

(SHRI ROHIT SHRIVASTAVA, PANEL LAWYER FOR RESPONDENT/STATE)

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ORDER

Present first appeal filed u/S.14(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act [in short "SC/ST Act"] assails the order dated 27/05/2024 passed by the Special Judge (SC/ST Act) Datia (M.P.) whereby the application preferred by the appellants u/S.438 of Cr.P.C. has been rejected.

The appellants apprehend their arrest in connection with Crime No.553 of 2023 registered at Police Station Indargarh, District Datia (M.P.) for the offences punishable u/Ss. 323, 294, 506/34 of IPC and Sections 3(1)(Da) and 3(1)(Dha) of the SC/ST Act.

Learned counsel for the appellants argued that as per prosecution version, the incident has occurred when appellants demanded an amount of Rs.25,000/- from complainant which was taken on loan by complainant from appellants. Prosecution version further alleges that when appellants demanded their money back, then there was a quarrel between the parties which has led to the incident in question.

Learned counsel for appellants submits that appellants were initially given

benefit of Section 41-A of Cr.P.C. and notice was duly issued, they co-operated in the investigation after receiving notice under Section 41-A of Cr.P.C. It is further argued that challan was filed by trial Court without notice to the present appellants as a result of which, present appellants could not appear before concerning Court at the time of filing of charge-sheet. He further argued that notice under Section 41-A is available in the diary contained blank column as to the date of presentation of challan. It is further argued that the appellants are permanent resident of District Datia (M.P.). Conclusion of trial is likely to take time and there is no likelihood of his absconsion or tempering with the evidence. It is submitted by the counsel for the appellants that the appellants are ready and willing to co-operate in the investigation and abide by all the terms and conditions as may be imposed by this Court, therefore, they prayed for grant of anticipatory bail.

Per contra, counsel appearing for the State has vehemently opposed the appeal and prays for its dismissal.

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

Considering the overall facts and circumstances of the case, present appeal is hereby allowed and the impugned order dated 27/05/2024 passed by the Special Judge (SC/ST Act) Datia (M.P.) is quashed by directing that the appellants shall be released on **temporary bail for 15 days** on their furnishing a personal bond of **Rs.50,000/- (Rs. Fifty Thousand only)** each with one solvent surety of the like amount to the satisfaction of the Arresting Authority. **During the period of temporary bail, appellants shall appear before the trial Court and seek bail as per law.**

This order will remain operative subject to compliance of the following conditions :-

1. The appellants will comply with all the terms and conditions of the bond executed by them;
2. The appellants will cooperate in the investigation/trial, as the case may be;
3. The appellants will not indulge themselves 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 appellants shall not commit an offence similar to the offence of which they are accused;
5. The appellants will not seek unnecessary adjournments during the trial;
6. The appellants will not leave India without previous permission of the concerned available Magistrate/Investigating Officer, as the case may be;

Appeal stands disposed of in above terms.

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.

C.C. as per rules.

**(VIVEK JAIN)
JUDGE**

Rohit