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CRA-3826-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 20<sup>th</sup> OF JUNE, 2025CRIMINAL APPEAL No. 3826 of 2025*DEEPU @ KULDEEP SHARMA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Rajesh Kumar Shukla - Advocate for the appellant.*

*Shri A.P.S.Tomar - PP for the respondent/State.*

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ORDER

Heard on I.A. No.8481/2025, an application for ignoring the defect.

No defect is pointed out by the Registry, therefore, the IA stands disposed of.

Also heard on I.A. No.11692/2025 and 2652 of 2025 for taking documents on record. The documents may be relevant for proper adjudication of the matter, therefore, the application is allowed. The documents are taken on record.

Case Diary is available.

This first criminal appeal has been filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short "Act, 1989") against the order dated 19.03.2025 passed by Special Judge (Atrocities Act), Morena rejecting the regular bail application of the appellant.



The appellant has been arrested on 02.12.2024 in connection with Crime No.686 of 2024 registered at Police Station - Ambah District Morena (M.P.) for commission of offence punishable under Sections 103(1) of BNS and Section 3(2)(v) of the Act, 1989.

Prosecution story, in short, is that on 13.11.2024 one Ravi S/o Rajendra Sakhwar had informed that his father had gone to Ambah in the morning at 8:00 AM and he had received the information that his father was lying at diversion road Porsa Chauraha near the shop of liquor. Thereafter 100 number vehicle had reached on the spot and took him at hospital where doctor has declared as dead. After registration of merg, merg enquiry was conducted and during the enquiry some CCTV footage was collected in which it was found that on 30.11.2024 at about 12:12 PM one person who was bearing the black upper had tied one safi to the person who was sitting near the shop by bearing check shirt. After sometime, again he tied his neck again third time he was strangled that person thereafter the person who was bearing the check shirt was fell down. Accordingly, the offence has been registered against the appellant.

Learned counsel for the appellant contended that the appellant is innocent and he has been falsely implicated in the matter by the trial court on the basis of circumstantial and omnibus allegations. The appellant is in custody. All the material witnesses have been examined in the matter but they have not supported the case of prosecution. He has no criminal past. Final conclusion of trial will take sufficiently long time. Hence, he prays that the appellant may be enlarged on bail.



Per contra, learned counsel for the respondent/State opposes the criminal appeal and prays for its rejection.

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

Considering all the facts and circumstances of the case and also taking note of the fact that the case of prosecution is based on the circumstantial evidence. As per Postmortem report, the death of deceased is due to asphyxia and strangulation which is homicidal in nature. The prosecution evidence is still pending. Therefore, on the basis of the statements of some prosecution witnesses, no conclusion can be drawn.

In view of the aforesaid, this court is not inclined to grant benefit of bail to the appellant. The order impugned is just and proper which does not call for any interference.

With the aforesaid, present criminal appeal stands dismissed.

Certified Copy as per rules.

(ANIL VERMA)  
JUDGE

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