

The High Court Of Madhya Pradesh

CRA-4352-2021

(NATHULAL AND OTHERS Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Indore, Dated : 05-08-2021

Heard through Video Conferencing.

Shri Pourush Ranka, learned counsel for the appellants.

Shri Jayesh Vyas PL for the respondent/State.

Ms. Archana Maheshwari, learned counsel for the Respondent [OBJ].

This is the first anticipatory bail application under Section 14(A) (2) of SC/ST (Prevention of Atrocities) Act of the appellants. The appellants are apprehending their arrest in connection with Crime No.275/2021 registered at Police Station – Nahargarh, District Mandsaur for the offence punishable under Section 294, 323 and 506 of IPC and under Section 3(1-r), 3(1-s) and 3(2)(v-a) of SC/ST (Prevention of Atrocities) Act.

As per prosecution story, complainant Ramchandra lodged a complaint at police station- Nahargarh to the effect that on 25/06/2021 at about 15.43 hours, when he was in his house, then accused Sardar, Rajubai came there on tractor and when Bansilal his son Dhannalal tried to stop them by saying that there is no way from their place, then Rajubai threw chilli powder and Shyamlal started beating with iron rod which was then followed by beating with woddenstick by Vishnu. Kaniram also came there and started beating Dhannalal and Bhawarlal by iron rod. When Rahul, pintu and kanhaiyalal came there, then the accused/appellants threatened them with dire consequences by abusing them. Accordingly the present FIR has been registered.

Learned counsel for the applicant contended that appellant no. 1 is 64 years old person, he is heart patient and recently undergone by-pass surgery in March, 2020. Since then, he is completely unwell and is on complete bed rest. It is not possible for him to involve in any kind of crime. Appellant no. 2 is a lady aged about 40 years. Appellant no. 1 is father of Vishnu, who has purchased agricultural land from the complainant party. Complainant party obstructed their way and stated beating by axe and iron rod, of which FIR has been registered at Crime no. 274/2021 at

police station- Nahargarh against the complainant party. Appellants are innocent persons and have been falsely implicated in the present offence. There is no criminal antecedents against them. Final conclusion of trial will take sufficient long time Under the above circumstances, prayer for grant of anticipatory bail may be considered on such terms and conditions, as this Court deems fit and proper.

Learned PL for respondent – State opposes the bail application and prays for its rejection

Learned counsel for the objector also opposed the application stating that the applicant and other co-accused have caused grievous hurt to vitime and looking to the nature of the offence, the appellants do not deserve for grant of anticipatory bail.

Perused the impugned order of the trial Court as well as the record.

Considering all the facts and circumstances of the case, nature of allegation as also the fact that; appellant no. 1 is 64 years old person; he is a heart patient and recently in March, 2020 he has undergone by-pass surgery; present appellants have not actively participated in the crime, I deem it proper to release the accused / appellant on anticipatory bail. Therefore, without commenting on the merits of the case, present Criminal Appeal is allowed and the impugned order passed by the Court below is hereby set aside

Accordingly, it is directed that, in the event of arrest, appellants **Nathulal and Smt. Rajubai** be released on anticipatory bail on their furnishing personal bail bond in the sum of **Rs.60,000/- (Rs. Sixty Thousand)** each along with one surety each in the like amount to the satisfaction of arresting officer for their appearance before the Investigating Officer during the course of investigation as and when directed.

Conditions of Section 438(2) Cr.P.C. shall also apply on the applicants during currency of bail.

With the aforesaid, present appeal stands disposed of.

Certified copy, as per rules.

(ANIL VERMA)
J U D G E