

# The High Court Of Madhya Pradesh

CRA No. 5474 of 2021

(SONU NAYAK Vs THE STATE OF MADHYA PRADESH AND OTHERS)

**Indore, Dated : 24-01-2022**

**Heard through Video Conferencing.**

Shri Harshek Choubey, learned counsel for the appellant.

Smt.Vinita Phaye, learned GA for the respondent/State.

This is an appeal (first) filed under section 14(2) of the SC/ST (Prevention of Atrocities) Act against the order dated 07.09.2021 passed by the Special Judge (SC/ST Act) whereby the trial court has rejected the application filed by the appellant under section 439 Cr.p.C seeking bail in connection with crime no.254/2021 registered at police station Narwar, Ujjain for the offence punishable under sections 307, 354, 452 IPC & u/s 3(2)(v) & 3(2)(Va) of the SC/ST Act.

As per prosecution story on 21.7.2021 the prosecutrix PW/1 lodged a report that the applicant forcibly administered poisonous substance in her mouth. She became unconscious and her brothers Ishar and Teju took her to the hospital. Since the prosecutrix belongs to the Scheduled Caste community, therefore, offence under sections 3(2)(v) & 3(2)(Va) of the SC/ST Act was registered against him.

Learned counsel for the applicant submits that now the prosecutrix has been examined as PW/1. He has referred para-7 of the examination-in-chief and paras 15 & 17 of the cross examination in which she has admitted her photographs with the applicant. She has further stated that because of the dispute with the brother and mother she herself consumed poisonous substance. The appellant is a youth aged 27 years with no criminal antecedents. He was only having a friendship with the prosecutrix but her family members did not like their friendship. No offence under section 307 IPC is made out against him, hence prays for release of the appellant on bail.

Learned GA opposes the bail application.

Considering the facts and circumstances of the case and the arguments

advanced by the counsel for the parties, without commenting on the merit of the case, the appeal is allowed. The appellant is directed to be released on bail on his furnishing personal bond in the sum of Rs.30,000/- (rupees thirty thousand) with one surety in the like amount to the satisfaction of the trial court for his regular appearance before the trial court with a condition that he shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under section 437(3) of the Cr.P.C.

Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order to rule out the possibility of Covid-19 infections and shall comply with the directions given by the Hon'ble Apex Court in Writ Petition No.01/2020.

C.c as per rules.

hk/



**(VIVEK RUSIA)**  
**JUDGE**