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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 24<sup>th</sup> OF JANUARY, 2023**

**CRIMINAL APPEAL No. 1404 of 2023**

**BETWEEN:-**

**RAVI NAYAK S/O ANTARSINGH NAYAK, AGED ABOUT  
26 YEARS, OCCUPATION: STUDENT GRAM TITGARIYA  
KHEDA, TEHSIL THEKRI DISTRICT BARWANI  
(MADHYA PRADESH)**

**.....APPELLANT**

***(BY SHRI ASHISH GUPTA, LEARNED COUNSEL)***

**AND**

- 1. THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE STATION  
THIKRI DISTRICT BARWANI (MADHYA PRADESH)**
- 2. VICTIM X THROUGH P.S. THIKRI (MADHYA  
PRADESH)**

**.....RESPONDENTS**

***(BY SHRI AKASH SHARMA, LEARNED GOVERNMENT ADVOCATE  
APPEARING ON BEHALF OF THE ADVOCATE GENERAL; AND MS.  
VEDIKA ARORA, LEARNED COUNSEL FOR RESPONDENT NO.2 /  
OBJECTOR / VICTIM)***

*.....*  
*This appeal coming on for orders this day, the court passed the  
following:*

**ORDER**

They are heard. Perused the case diary / challan papers.

The appellant has preferred this (**FIRST**) criminal appeal under Section 14 (A) (2) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 (as amended by Act of 2015) read with Section 439 of the Code of Criminal Procedure, 1973, feeling aggrieved by order dated 17.01.2023 passed

by learned Special Judge [under SC & ST (POA) Act, 1989], Barwani, District Barwani (MP) in Special ST / Bail Application No.SCNDPS/81/2022 / SCATR/81/2022, whereby the prayer for grant of regular bail has been declined.

Appellant has been arrested on 12.12.2022 in connection with Crime No.419/2022 registered at Police Station Thikri, District Barwani (MP) for offence punishable under Sections 342, 376, 366 and 506 of Indian Penal Code, 1860, under Sections 3 (2) (v-a) and 3 (1) (w) (ii) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 and also under Section 67-A of the Information Technology Act, 2000.

The allegation against the appellant is that of abduction and rape on the prosecutrix including a threat to viral her obscene video in electronic media.

Counsel for the appellant has submitted that the prosecutrix has already been examined in the trial Court and has not supported the case of the prosecution.

It is further submitted that the final conclusion of the trial is likely to take sufficiently long time and thus, the applicant be released on bail, as he is lodged in jail since 12.12.2022.

Counsel appearing for the objector has also submitted that she has no objection if the present criminal appeal for grant of bail is allowed.

Counsel for the respondent / State has also opposed the prayer for grant of bail.

Having considered the submissions and on perusal of the case diary as also the deposition of the prosecutrix, she has not supported the case of the prosecution, this Court is inclined to allow the appeal filed by the appellant.

Consequently, by setting aside the impugned order of the trial Court, the

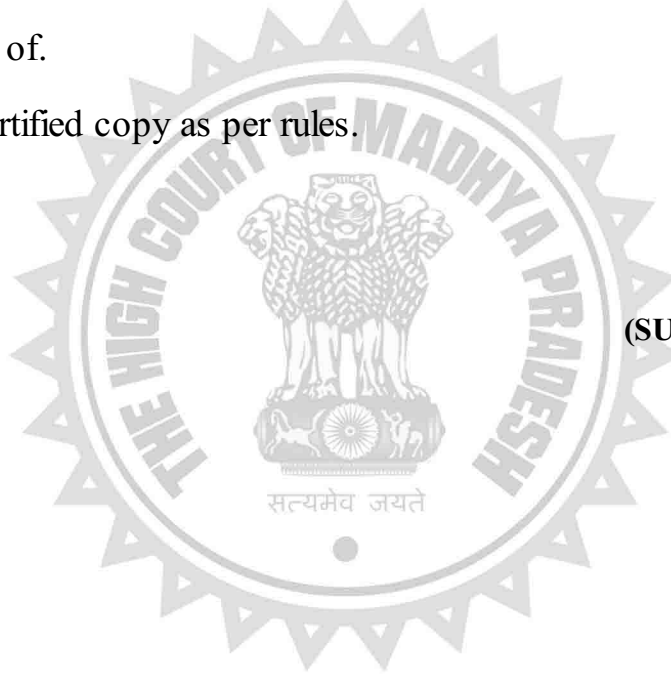
appeal is hereby **allowed**, without commenting anything on the merits of the matter. It is directed that the appellant shall be released on bail upon executing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the learned trial Court for his / her regular presence during trial and shall also abide by the conditions enumerated under Section 437 (3) of Cr.P.C.

This order shall be effective till the end of the trial, however, in case of bail jump, it shall become ineffective.

All the other pending interlocutory applications, if any, shall stand disposed of.

Certified copy as per rules.

rcp



**(SUBODH ABHYANKAR)**  
**JUDGE**