

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

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 15th OF JULY, 2024

CRIMINAL APPEAL No. 6896 of 2024

AMJAD

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

(MS. SHIWANGI TIWARI- ADVOCATE FOR THE APPELLANT)

(SHRI TARUN PAGARE- P.L./G.A. FOR THE STATE)
.....

ORDER

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

2] This is the first criminal appeal filed under Section 14-A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against order dated 05.06.2024 passed by the Special Judge (SC/ST Act), Dewas, whereby the learned Judge has rejected the bail application filed by the appellant in Crime No.142/2024 registered at Police Station Bank Note Press, District Dewas (M.P.) for the offence under Sections 342, 366, 376, 376(2)(n) and 506 of the IPC & Sections 3(1)(w)(i), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Appellant is in jail since 09.03.2024.

3] The allegation against the appellant is of abduction and rape.

4] 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. Her deposition is also filed on record.

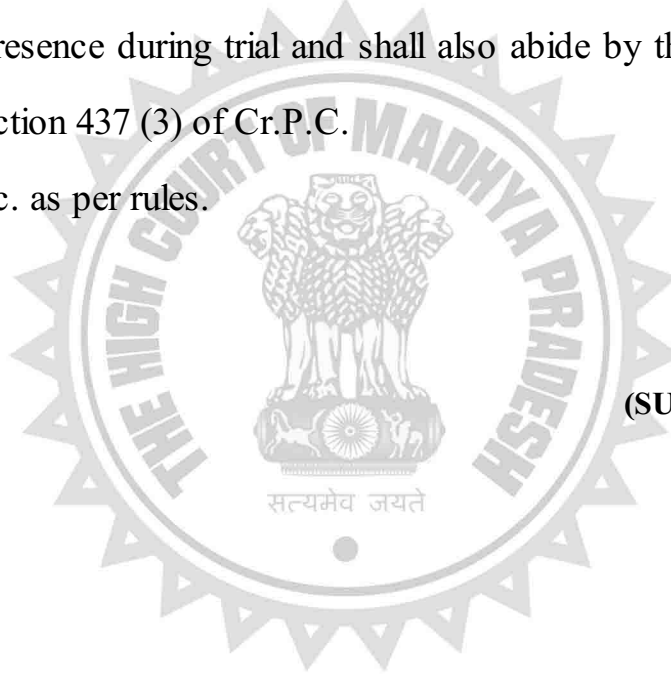
5] Counsel for the State, on the other hand, has opposed the prayer.

6] Having considered the rival submissions and on perusal of the case-diary as also the deposition of the prosecutrix wherein, she has not supported the case of the prosecution in any manner, this Court is inclined to allow the present appeal.

7] In view of the same, without commenting on merits of the case, the appeal is **allowed** and the impugned order dated 05.06.2024 is set-aside. It is directed that the appellant shall be released on bail upon execution of personal bond in the sum of **Rs.50,000** (Rupees Fifty thousand only) with a 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.

C.c. as per rules.

Bahar



(SUBODH ABHYANKAR)
JUDGE