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CRA-8675-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 6th OF SEPTEMBER, 2024CRIMINAL APPEAL No. 8675 of 2024*MASLU @ BHAIYU**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Manish Yadav - advocate for the petitioner.

Mradula Sen appearing on behalf of Advocate General.

Lakhan Singh Panwar, learned counsel for the respondent [R-2].

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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 10.05.2024 passed by the Special Judge (SC/ST Act), Indore whereby the learned Judge has rejected the bail application filed by the appellant in Crime No.736/2019 registered at Police Station Rajendra Nagar, District Indore for the offence under Sections 394, 397, 302 and 34 of IPC and Section 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Appellant is in jail since 12.11.2019.

3] The allegation against the appellant is that of dacoity with murder.

4] Counsel for the appellant has submitted that the material witnesses have already been examined and have not supported the case of the prosecution, and otherwise also the appellant is lodged in jail since 12.11.2019 and has already completed more than four and half years of incarceration, and even as per the status report sent by the trial Court only 7 witnesses have been examined until now, out of the



24 witnesses cited by the prosecution. Thus, it is submitted that the appellant be released on bail.

5] The prayer is vehemently opposed by the counsel for the respondent No.1/State as also by Shri L. S. Panwar, counsel for the respondent No.2, who have submitted that the seizure witness PW-5 Jitendra Manaware has supported the case of the prosecution and from the possession of the appellant an iron hook has been seized, which was used to assault the deceased. It is further submitted that the mobile phone of the deceased has also been seized from the present appellant. Thus, no case for interference is made out.

6] Heard. On due consideration of submissions, perusal of the case-diary and the fact that mobile of the deceased has also been seized from the present appellant, no case for grant of bail is made out, at this stage. However, the appellant can renew his prayer after the FSL report is received in his favour.

7] Accordingly, the appeal is **dismissed**, with the aforesaid liberty.

(SUBODH ABHYANKAR)
JUDGE