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CRA-8990-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 19th OF SEPTEMBER, 2024CRIMINAL APPEAL No. 8990 of 2024*ANKIT PARMAR**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Deepak Kumar Rawal - advocate for the appellant.

Shri Apoorv Joshi appearing on behalf of Advocate General.

Shri Ritu Raj Bhatnagar, learned counsel for the respondent [COMP].

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ORDER

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

2. This is the third criminal appeal filed under Section 14-A (2) of SC/ST (Prevention of Atrocities) Act, 1989 filed by the appellant in connection with Crime No.446/2021 registered at Police Station Sanyogitaganj, District Indore for the offence under Sections 302, 307, 294, 34 of IPC and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Appellant is in jail since 16/11/2021. His first appeal CRA No.5858/2022 has already been dismissed on merits on 22/02/2023 after perusal of the statement of the injured Nitin @ Kala and second appeal CRA No.5585/2024 has been dismissed on 28/05/2024, however, with liberty to renew his prayer after the material witnesses Kartik and Dharmendra are examined in the trial Court.

3. Counsel for the appellant has submitted that both these witnesses have been examined in the trial Court and no overt act is attributed to the present appellant Ankit Parmar, and the main injuries are attributed to accused Sanny Shinde and Arpit Jain. It is submitted that PW/2 Dharmendra Silawat has not even recognized the appellant in



the doc identification whereas PW/4 Kartik Sonkar has only stated that the appellant had assaulted the injured Nitin and the deceased Yash with kicks and fist. Hence, it is submitted that the appeal be allowed and the appellant be released on bail.

4. Counsel for the objector, on the other hand has opposed the prayer and it is submitted that the deposition of Kartik Sonkar would clearly reveal that the appellant has actually participated in the incident and his presence is positively established. Thus, it is submitted that no case for grant of bail is made out.

5. Counsel for the respondent/State has also opposed the prayer and it is submitted that no case for bail is made out.

6. On due consideration of submissions and on perusal of the case-diary as also the deposition of the aforesaid two witnesses, this Court does not find it to be a fit case for grant of bail to the appellant looking to his involvement in the case.

7. Accordingly, the appeal being devoid of merits is hereby *dismissed*. However, considering the fact that the appellant is lodged in jail since 16/11/2021, the learned Judge of the trial Court is requested to expedite the matter.

(SUBODH ABHYANKAR)
JUDGE