

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK RUSIA
ON THE 29th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 901 of 2024**

BETWEEN:-

**PAPPU VASUNIYA S/O KAMJI VASUNIYA, AGE: 23
YEARS, OCCUPATION: LABOR, R/O: AT PRESENT RAJIV
RATTAN COLONY, UJJAIN (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI PRAMOD CHOUBEY - ADVOCATE.)

AND

**THE STATE OF MADHYA PRADESH, THROUGH STATION
HOUSE OFFICER, POLICE STATION NEELGANGA,
UJJAIN, DISTRICT UJJAIN (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI KUSHAL GOYAL - DEPUTY ADVOCATE GENERAL.)

*This application coming on for admission this day, the court passed the
following:*

ORDER

This is a repeat (**second**) application under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code) filed by the applicant, who is in custody since 04.04.2020 in connection with Crime No.184 of 2020 (date not mentioned) registered at Police Station Neelganga, Ujjain, District Ujjain (M.P.) for offence punishable under Sections 302, 452, 294 and 120-B read with Section 34 of Indian Penal Code, 1860. His **first** application (Miscellaneous Criminal Case No.19907/2020) was dismissed by this Court vide order dated 18.01.2021 as withdrawn.

2. Learned Deputy Advocate General appearing for the respondent - State of

Madhya Pradesh has pointed out that after filing of charge sheet the learned trial Court framed charges under Section 3 (2) (v) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 against all the accused. None of the applicants (who have been granted bail by this Court) disclosed this fact before this Court and got a bail order, hence all the bail orders are liable to be cancelled / recalled.

3. Let notice be issued to all the applicants, who filed Miscellaneous Criminal Case No.54544 of 2023 (Kuldeep @ Muthiya S/o Dideep Bijoriya v. The State of Madhya Pradesh) disposed off on 08.12.2023 and Miscellaneous Criminal Case No.60761 of 2023 (Ajay S/o Shantilal Jagdev v. The State of Madhya Pradesh) disposed off on 11.01.2023. Office is directed to list both M.Cr.Cs. before this Court on **8th February, 2024**.

4. In this case also, first this applicant is required to file a fresh application before the trial Court, in view of the changed circumstances and then approach again this Court by way of a Criminal Appeal.

5. Let the aforesaid two Miscellaneous Criminal Cases be listed before the bench, after service of notice to them; and they be also served through Investigating Officer.

6. In view of the aforesaid observation, Miscellaneous Criminal Case No.901 of 2024 stands disposed of.

(VIVEK RUSIA)
JUDGE