

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

**BEFORE
HON'BLE SHRI JUSTICE VIRENDER SINGH**

ON THE 13th OF MAY, 2022

CRIMINAL APPEAL No.1092 OF 2022

Between:-

**RAMAKANT PANDEY @ DOCTOR S/O
LATE SHRI RAMCHANDRA PANDEY,
AGED ABOUT 30 YEARS, OCCUPATION-
AGRICULTURIES, R/O VILLAGE-KOSTA,
POLICE STATION-RAIPUR
KARCHULIYAN, DISTRICT-REWA
(MADHYA PRADESH)**

.....APPELLANT

(BY SHRI SHESHRAJ KUSHWAHA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH,
THROUGH- THE POLICE STATION-
RAIPUR KARCHULIYAN, DISTRICT-
REWA, (MADHYA PRADESH)**
- 2. BABULAL SAKET S/O KEMLA PRASAD
SAKET, AGED ABOUT 38 YEARS, R/O
VILLAGE-HELHA, POLICE STATION-
UNIVERSITY, DISTRICT-REWA (MADHYA
PRADESH)**

.....RESPONDENT

***(SHRI CHANDRAPAL SINGH PARMAR - PUBLIC PROSECUTOR FOR
RESPONDENT NO.1-STATE,
NONE FOR THE RESPONDENT NO.2)***

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

ORDER

1. Technically, this is first criminal appeal filed under Section 14-A (1) of the Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against order dated 07.01.2022 passed by the Special Judge, SC/ST Act, Rewa (M.P.); whereby, application under Section 439 of Cr.P.C. of the appellant has been rejected. But earlier, the appeals (CRA No.2120/2020, CRA No.5040/2020 & CRA No.3363/2021) preferred by the appellant for seeking the same relief of bail, have been dismissed vide orders dated 10.07.2020, 24.11.2020 & 29.10.2021 respectively, therefore, in fact, this is the fourth application of the appellant for seeking bail in Crime No.462/2018 registered at Police Station-Raipur Karchuliyan, District-Rewa for the offences punishable under Sections 394, 452/34 of IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989.
2. The allegation against the appellant is that on 18.11.2018, at about 08:30 a.m., he caught the complainant under the threat of life and while snatching Rs.22,500/-, he caused some simple injuries to complainant in his thumb and linear space of right hand by knife.
3. It is submitted that the appellant is in jail since 12.11.2019 and has completed almost two years and six months. It is also submitted that in the present case, since last two years & six months, there is no progress in the trial, even the complainant has not been examined before the trial Court. He is permanent resident of District Rewa (M.P.). There is no possibility of his absconding or tampering with the evidence. He is ready to furnish adequate surety and to abide by all the directions and conditions as may be imposed by the Court., therefore, it is prayed that the appellant be released on bail.

4. The learned Public Prosecutor for the State has opposed the bail. He submitted that the appellant has case load of 15 following cases:-

S. No.	Crime No.	Sections	Police Station
1	643/09	294, 323, 327, 506, 34 IPC	Kotwali, Rewa
2	43/12	294, 323, 506-B, 342 of IPC	Kotwali, Rewa
3	687/12	294, 323, 325, 506-B, 34 of IPC	Kotwali, Rewa
4	172/13	323, 324, 34 of IPC	Kotwali, Rewa
5	260/13	8/21 of N.D.P.S. Act	Kotwali, Rewa
6	810/13	25/27 of the Arms Act	Kotwali, Rewa
7	192/14	394, 327, 323, 34 of IPC	Raipur Karchuliyan, Rewa
8	238/15	394 of IPC	Raipur Karchuliyan, Rewa
9	317/15	294, 327, 427, 506, 34 of IPC	Raipur Karchuliyan, Rewa
10	इस्त. क13/2013	110 of Cr.P.C.	
11	इस्त. क. 1/2014	110 of Cr.P.C.	
12	298/16	392 of IPC	
13	371/16	14 of National Security Act	
14	462/18 (present case)	394, 452, 34 of IPC and 3(2)(v) of SC/ST Act	Raipur Karchuliyan, Rewa
15	466/18	34(2) of M.P. Excise Act	

5. Learned counsel for the appellant referred to document No.5198/2022 wherein the result of criminal cases registered against the appellant have been given. According to which, out of 14 cases registered earlier, he has been acquitted in 6 cases; 3 cases were prohibitory action and in other cases, he is on bail.

6. In view of the aforesaid and also keeping in view the nature and gravity of accusation coupled with the period of custody and other facts

and circumstances of the case, in the opinion of this Court, a case for granting bail is made out. Therefore, without commenting on merits of the case, the appeal is allowed and the impugned order is set-aside.

7. It is directed that appellant **Ramakant Pandey** be released from custody on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety of the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when required further subject to the following conditions:

- (i) The appellant shall co-operate with the trial and shall not seek unnecessary adjournments on frivolous grounds to protract the trial;
- (ii) The appellant shall not directly or indirectly allure or make any inducement, threat or promise to the prosecution witnesses, so as to dissuade him from disclosing truth before the Court;
- (iii) The appellant shall not commit any offence or involve in any criminal activity;
- (iv) In case of his involvement in any other criminal activity or breach of any other aforesaid conditions, the bail granted in this case may also be cancelled.
- (v) **The appellant shall mark his presence before the concerned police station in the first week of every month.**

8. With the aforesaid, the appeal stands **allowed**.

(VIRENDER SINGH)
JUDGE

@shish