

THE HIGH COURT OF MADHYA PRADESH

CRA.418/2022

(Bhushan Vs. The State of M.P.)

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Jabalpur, Dated : 24 / 01 / 2022

Heard through Video Conferencing.

Shri M.P. Tripathi, learned counsel for the appellant.

Shri Devendra Shukla, learned P.L. for the respondent / State.

None for the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard.

This criminal appeal has been filed under Section 14-A (1) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 06.01.2022 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, Burhanpur in SC ATR No. 02/2022; whereby learned Special Judge rejected the bail application filed by the appellant under Section 439 of Cr.P.C. to get bail in Crime No.560/2021 registered at P.S. Lalbag, Burhanpur (M.P.) for the offences punishable under Sections 353, 294, 504, 506, 332, 34 of IPC, Section 3(1)(da), 3(1) (dha), 3(2)(VA) of SC/ST (Prevention of Atrocities) Act 1989.

As per the prosecution case, on 04.08.2021 at around 11:30 pm appellant Bhushan and co-accused Rakesh and Umesh forcibly entered into the office of ADM, Burhanpur when complainant Dinesh, who was posted as peon in the office, stopped them, they abused the complainant as regard to his caste and also pushed him due to which he fell down and sustained injury. On that, police registered Crime No.560/2021 for the offences punishable under Sections 353, 294, 504, 506, 332, 34 of IPC, Section 3(1)(da), (1) (dha) 3(2)(VA) of SC/ST (Prevention of Atrocities) Act 1989. During investigation on 08.10.2021 police arrested the appellant.

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On that appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 06/01/22. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

Learned counsel for the appellant submits that appellant has not committed any offence and has been falsely implicated in the offence. Charge-sheet has been filed. The appellant is in custody since 08.10.2021 and the conclusion of trial will take time, hence prayed for release of the appellant on bail.

Learned counsel for the respondent/State opposed the prayer and submitted sufficient evidence is available to connect the appellant with the offence in question and the appellant has criminal past, so he should not be released on bail.

Looking to the facts and circumstances of the case and the fact that appellant is in custody since 08.10.2021, charge-sheet has been filed and conclusion of trial will take time, without commenting on the merits of the case, the appeal is allowed. It is directed that the appellant be released on bail on his furnishing personal bond in the sum of **Rs.50,000/-(Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the concerned CJM/trial Court for his appearance before the concerned Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

This order will remain operative subject to compliance of the following conditions by the appellant :

1. The appellant will comply with all the terms and conditions of the bond executed by him;
2. The appellant will cooperate in the trial;
3. The appellant will not indulge himself in extending inducement, threat or promise to any person acquainted with

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the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The appellant shall not commit an offence similar to the offence of which he is accused;
5. The appellant will not seek unnecessary adjournments during the trial; and
6. The appellant will not leave India without prior permission of the trial Court.

C.C. on payment of usual charges.

(Rajeev Kumar Dubey)
Judge

sarathe