

MCRC-7448-2015

(SHIV SHARAN SINGH Vs THE STATE OF MADHYA PRADESH)

30-06-2015

Shri Anoop Saxena, Advocate for the applicants.

Shri G.S.Thakur, Panel Lawyer for the respondent-State.

Shri J.L.Soni, Advocate for the objector.

Heard the learned counsel for the parties.

The applicants are apprehending their arrest in connection with Crime No.5/2015 registered at Police Station Hinouta District Chhattarpur for the offences punishable under Sections 323, 294, 506-B, 34 of IPC and Section 3(1)(x) of the SC/ST (Prevention of Atrocities) Act (hereinafter referred to as "Special Act").

Learned counsel for the applicants submits that the applicants are reputed citizen of the locality, who have no criminal past alleged against them. Except of offence under Section 3(1)(x) of the Special Act, remaining offences areailable. It would be apparent from the FIR that the quarrel did not take place on the basis of the case, but due to mischief committed by one Chhotelal, the quarrel started. It is the settled view of Hon'ble the Apex Court that if someone is called by name or its case, then no offence under Section 3(1)(x) of the Special Act will be made out. Prima facie no offence under Section 3(1)(x) of the Special Act is made out against the applicants, and therefore no prohibition under Section 18

of the Special Act is applicable in the case. The police is unnecessarily harassing the applicants for bailable offences. Under such circumstances, they pray for bail of anticipatory nature.

Learned counsel for the State opposes the application.

Learned counsel for the objector also opposes the application. He submits that after the incident the applicants have committed more crime with the complainant and the victims Munni Prajapati and Darbari Prajapati have lodged a complaint against the applicants before the SHO Hinouta, therefore he opposes the application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case, without expressing any opinion on the merits of the case, I am of the view that the applicants have a good case for grant of bail of anticipatory nature. Consequently, the application under Section 438 of Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicants shall be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/- (Rupees twenty five thousand only) each** with a solvent surety in the like amount to the satisfaction of the Arresting Authority (Investigation Officer).

The applicants shall make themselves available for interrogation by a police officer as and when required. They shall further abide by the other conditions

enumerated in sub-Section (2) of Section 438 of Cr.P.C.

Bail under Section 438 of Cr.P.C. is given for a limited period so that the evidence received against the applicant during further investigation may be considered by the concerned Court, who, shall consider his application under Section 437 or 439 of Cr.P.C.

Certified copy as per rules.

(N.K. GUPTA)
JUDGE