

THE HIGH COURT OF MADHYA PRADESHCRA-6488-2020

[Amar Singh @ Pappu Dhakad vs. State of M.P. &amp; Ors.]

Gwalior, Dated 31/12/2020

Shri S.S. Rajput, learned counsel for the appellant.

Shri Rohan Sharma, leaned Panel Lawyer, for the respondent  
No.1/State.

None for the respondent No.2.

I.A.No.25826/2020, an application for urgent hearing, is  
taken up, considered and allowed for the reasons mentioned therein.

Present appeal has been filed under Section 14-A(2) of  
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)  
Act, 1989 against the order dated 23/12/2020 passed by Special  
Judge (Scheduled Castes and Scheduled Tribes (Atrocities) Act,  
Guna, District Guna (M.P.) whereby the application of the  
appellant under Section 438 of Cr.P.C. has been rejected.

Appellant is apprehending his arrest for the alleged offences  
registered at Crime No.576/2020 at Police Station Dharnwada,  
District Guna (M.P.), punishable under Sections 323, 294 of IPC  
and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes  
and Scheduled Tribes (Prevention of Atrocities) Act, 1989. (for  
short “**the SC & ST Act**”).

Learned counsel for the appellant- Amar Singh @ Pappu

Dhakad submits that complainant along with some other persons came to applicant's field and they were digging soil without taking permission of the applicant. When he stopped them by doing so, the complainants abused and assaulted the applicant and thereafter false FIR has been lodged against the present applicant. The applicant is innocent. He has not committed any offence in any manner. Now, investigation is complete and charge-sheet has been filed. Trial will take its own time. He is ready and willing to abide by all the conditions which may be given by this Court. Hence prayed for grant of bail. He further undertakes to abide by all the terms and conditions of guidance, circulars and directions issued by Central Government, State Government as well as Local Administration regarding measures in respect of COVID-19 Pandemic and maintain hygiene in the vicinity while keeping physical distancing.

Learned State Counsel opposed the prayer and has submitted that the case is registered under Sections 323, 294 of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the SC & ST Act which are serious in nature. It is further submitted that there is overt act on the part of the present applicant. Hence, prayed for rejection of this Criminal Appeal.

Heard learned counsel for the parties at length through Video Conferencing and considered the arguments advanced by them and

perused the record.

Considering the facts and circumstances of the case and also considering the fact that now investigation is complete and charge sheet has been filed, without commenting upon the merits of the case, the appeal is allowed and it is hereby directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond of **Rs.25,000/-(Rupees Twenty Five Thousand only)** with one solvent surety in the like amount to the satisfaction of the Arresting Officer/ Investigating Officer.

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

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant shall make himself available for interrogation by a police officer as and when required. She shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. **The applicant shall not commit an offence similar to the offence of which he is accused;**
5. The applicant will not seek unnecessary adjournments during the trial; and

6. The applicant will not leave India without previous permission of trial Court/ Investigating Officer, as the case may be.

E-copy of this order be sent to the Court concerned for compliance as well as e-copy of the order be given to the learned State counsel with a direction to keep the same in the concerned case-diary.

Certified copy/ e-copy as per rules/directions.

**(Rajeev Kumar Shrivastava)**  
**V. Judge**

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