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

**BEFORE  
HON'BLE SHRI JUSTICE ANIL VERMA  
ON THE 31<sup>st</sup> OF JANUARY, 2023  
CRIMINAL APPEAL No. 12632 of 2022**

**BETWEEN:-**

**SADDAM SHAH S/O ZAKHIR SHAH, AGED ABOUT 28  
YEARS, OCCUPATION: LABOUR, R/O: ITAWAH, TEH.  
TARANA HAAL MUKAAM, BARKHEDA KAYAM VIJAYA  
MANDI DISTT. DEWAS (MADHYA PRADESH)**

**.....APPELLANT**

***(BY SHRI ADITYA VERMA - ADVOCATE)***

**AND**

- 1. THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE STATION  
VIJAYA MANDI, DIST. DEWAS (MADHYA  
PRADESH)**
- 2. VICTIM X THROUGH P. S. VIJAYA MANDI, DIST.  
DEWAS (MADHYA PRADESH)**

**.....RESPONDENTS**

***(SHRI VISHAL PANWAR - PANEL LAWYER)***

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

**ORDER**

Notice has been duly served upon the prosecutrix.

This is the first criminal appeal under Section 14(A)(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 filed on behalf of the appellant for grant of bail. The appellant is in custody since 22.08.2022 in connection with Crime No.139/2022 registered at Police Station "Vijaya Mandi, District Dewas (M.P.) for commission of offence

punishable under sections 376, 450, 506 of the Indian Penal Code of 1860 read with Section 3(2) (v) and 3(1)(w)(ii) of SC/ST Act.

As per prosecution story, on 28.07.2022, prosecutrix lodged a written complaint registered at P.S. Vijaya Mandi by stating that she knew present applicant for last 4 months. Present appellant called her on mobile phone and threatened her that if she do not talk with him he will kill her family member, due to which she started talking to present appellant. On 08.07.2022 at about 03:00 PM when prosecutrix was alone at home, present appellant came there and committed rape upon her. Present appellant threatened her he has made her video and if she disclosed the incident to anyone he will viral her video. Accordingly, offence has been registered against the appellant.

Learned counsel for the appellant submits that the appellant is an innocent person and he has been falsely implicated in this offence. He is in custody since 22.08.2022. Prosecutrix is a young girl of 19 years. Investigation is over and charge sheet has been filed. Present appellant is a young person aged about 28 years. Appellant is permanent resident of District Dewas. Final conclusion of the trial is likely to take sufficient long time. Hence, he prays that present appellant be enlarged on bail.

Per contra, learned counsel for the respondent / State opposes the criminal appeal and prays for its rejection. However, he fairly admits that no criminal antecedent has been found against the present appellant.

Perused the impugned order of the trial Court as well as the case diary.

After considering all the facts and circumstances of the case, nature and gravity of offence, and also taking note of the fact that prosecutrix is a young girl aged about 19 years, no video footage has been seized from the possession of the present appellant, prior to the incident, prosecutrix has not made any

complaint against the present appellant, investigation is over and charge-sheet has been filed, therefore no further custodial interrogation of the appellant is required and final conclusion of the trial will take sufficient long time,. In view of the above, without commenting upon the merits of the case, I deem it proper to release the appellant on bail.

Accordingly, the appeal is allowed. It is directed that appellant be released on bail on his furnishing personal bond in the sum of **Rs.75,000/- (Rupees Seventy Five Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall abide by all the conditions enumerated under Section 439 of Cr.P.C.

Certified copy as per rules.

Anushree

(ANIL VERMA)  
JUDGE