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

**HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL
ON THE 31st OF OCTOBER, 2023**

CRIMINAL APPEAL No. 13219 of 2023

BETWEEN:-

**RAM KRISHNA CHOUREY S/O SHRI HEMRAJ CHOUREY,
AGED ABOUT 51 YEARS, OCCUPATION:
AGRICULTURIST, R/O VILLAGE KULAHMADI, PS
TEHSIL AND DISTRICT NARMADAPURAM (MADHYA
PRADESH)**

.....APPELLANT

(BY SHRI ABHINAV DUBEY - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION DEHAT, DISTRICT
NARMADAPURAM (MADHYA PRADESH)**
- 2. AMIT GADHWAL S/O SHRI DEENA AHIRWAR
THROUGH POLICE STATION DEHAT, DISTRICT
NARMADAPURAM (MADHYA PRADESH)**

.....RESPONDENTS

(STATE BY SHRI VIVEK LAKHERA - GOVERNMENT ADVOCATE)

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

ORDER

None for the respondent No.2 despite service of notice.

2. This first criminal appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been filed assailing the order dated 11.10.2023 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Narmadapuram (M.P.), whereby bail application under Section 439 of Cr.P.C. filed on behalf of appellant/accused has been

dismissed.

3. Appellant has been arrested in connection with F.I.R. bearing Crime No.415/2023 dated 13.08.2023 registered at Police Station Dehat, District Narmadapuram (M.P.) for commission of offence under Sections 294, 323, 506 of IPC and Sections 3(2)(va), 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act, 1989. Appellant is in detention since 11.10.2023.

4. As per prosecution story, on 13.08.2023, complainant Amit Gadwal was going towards Itarsi at around 6.15 PM near Ayodhya Nagri Petrol Pump, Ram Krishna Chourey abused, scolded and beat him by punches. He threatened to do death also.

5. Learned counsel for the appellant has submitted that the appellant has not committed any offence. He is innocent and has been falsely implicated. He is in jail for the last 20 days. Trial of the case will take considerable time. Therefore, it is prayed that appellant may be released on bail.

6. On the other hand, learned counsel for the State has opposed grant of bail.

7. Having taken into consideration all the facts and circumstances of the case but without expressing any opinion on the merits of the case, I am of the view that it is a case in which further pre-trial detention of the appellant is not warranted. Consequently, this appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 filed by the appellant stands **allowed** and impugned order is set aside.

8. It is directed that **appellant - Ram Krishna Chourey** be released on bail on his furnishing a 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 trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

9. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

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