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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 31st OF JANUARY, 2024**

CRIMINAL APPEAL No. 1429 of 2024

BETWEEN:-

1. **NARENDRA SINGH S/O SHRI VIRENDRA SINGH,
AGED ABOUT 33 YEARS**
2. **BRAJENDRA SINGH S/O SHRI LAKHPAT SINGH,
AGED ABOUT 55 YEARS,
BOTH R/O GRAM GITOR THASIL MEHGAON,
DISTRICT BHIND (MADHYA PRADESH)**

.....APPELLANTS

(BY SHRI PRADEEP KATARE - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION MEHAGAON DISTRICT BHIND
(MADHYA PRADESH)**
2. **DEEPAK TOMAR S/O SHRI HAKIM TOMAR
MEHGAON BHIND (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI RAJEEV UPADHYAY - PUBLIC PROSECUTOR)

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

ORDER

This criminal appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act assails the order dated 31.10.2023 passed by Special Judge (Atrocities), District Bhind (M.P.) whereby, application preferred by the appellants herein under Section 439 of Cr.P.C. relating to FIR No. 289 of 2023 registered at Police Station Mehgaon,

District Bhind (M.P.) for the offence under Sections 394, 353, 332, 294, 336, 379, 414, 186, 506, 395 of IPC and Sections 3(1)(da), 3(1)(dha), 3(2)(v) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act & Sections 11/13 of MPDVPK Act has been rejected.

Learned counsel for the appellants argued that appellants are innocent and have been falsely implicated. No specific role has been attributed on appellants/accused person to cause injury on injured. Further argument is that appellants are in custody since 06.10.2023. After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the appellants. The appellants are permanent resident of District Bhind (M.P.). Conclusion of trial is likely to take time and there is no likelihood of their absconsion, if released on bail. Hence, he prays for grant of bail to the appellants.

Per contra, learned counsel for the State has opposed the application and prayed for its rejection.

Considering the facts and circumstances of the case, but without commenting upon the merits of the case, this appeal stands allowed and it is directed that the appellant be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the concerned trial Court/Committal Court.

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 investigation/trial, as the case may be;
3. The appellant will not indulge himself in extending

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her 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 previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

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