HIGH COURT OF MADHYA PRADESH

Criminal Appeal No.5575/2020

(Deepak Nageshwar **Vs.** State of M.P.and another)

PRESENT : HON. SMT. NANDITA DUBEY, J (THROUGH VIDEO CONFERENCING)

Jabalpur, Dated :08.12.2020.

Shri Narendra Nikhare, learned counsel for the appellant.

Shri Devendra Gangrade, learned Panel Lawyer for the respondent/State.

This is the first criminal appeal filed by the appellant under Section 14-A of the SC/ST (Prevention of Atrocities) Act (for short "the Act") against the impugned order dated 19.10.2020 passed by the Special Judge(Atrocities), Balaghat whereby the Court below has dismissed the application filed by the appellant under Section 439 Cr.P.C for grant of bail.

The appellant is in custody since 27.07.2020 in connection with Crime No.75/2020 registered at Police Station-Kirnapur, District-Balaghat for the offence mentioned therein.

Learned counsel for the appellant submits that appellant has been falsely implicated. The prosecutrix is aged more than 17 years. It is pointed out that two more cases have been registered against the same appellant on behalf of parents of the prosecutrix. He has pointed out that first offence was registered alleging that the prosecutrix was missing on 07.03.2020. She was thereafter recovered and gave her statement under Section 164 Cr.P.C. Thereafter she again eloped with the present appellant on 11.05.2020. It is

pointed out that in the other two cases, the appellant has been granted bail. It is further pointed out that there was love affair between the prosecutrix and the present appellant. The prosecutrix has given a statement that she had gone the appellant on her own free will. In one of the matter, she has also given the statement that she had married the present appellant. Learned counsel has placed entire charge sheet on record relating to the previous two cases registered against the present appellant. It is further submitted that the trial would take considerable time to conclude, therefore, appellant may be released on bail.

On the other hand, learned PL appearing for the State though opposed the appeal and prayed for rejection of the same, however, he has fairly submitted that three criminal cases have been registered against the present appellant on the complaint of father, mother and uncle of prosecutrix on three different dates. He has further submitted that it seems that the prosecutrix has eloped with the appellant on her own free will and stating her age to be 19 years, married the appellant in a temple.

On due consideration of the documents on record and the case diary, I am of the view that it is a fit case to enlarge the appellant on bail, therefore, without expressing any view on the merits of the case, this appeal is **allowed**.

It is directed that appellant **Deepak Nageshwar** shall be released on bail on his furnishing a personal bond in the sum of **Rs.30,000/- (Rs. Thirty Thousand only)** with one surety in the like amount to the satisfaction of the trial Court,

for his presence before the said Court on all the dates of hearing fixed in this regard during the trial.

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

> *"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 any other offence during pendency of the trial, failing which this bail order shall stand cancelled automatically without further reference to the Bench.*
>
> *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.*
>
> *7. The learned concerned Magistrate and the prosecution are directed to ensure following of Covid-19 precautionary protocol prescribed from time to time by the Supreme Court, the Central Govt. and as well as the State Govt."*

HIGH COURT OF MADHYA PRADESH

A typed copy of this order be forwarded by the Registry to the Office of the Advocate General and to Mr. Devendra Gangrade, learned Panel Lawyer, on their respective email address, for intimation to the Police Station concerned. The office is also directed to forward a copy of this order to the learned Court below.

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

(Nandita Dubey)
Judge

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Digitally signed by JITIN KUMAR CHOURASIA
Date: 2020.12.28 14:46:28 +05'30'