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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 30th OF JANUARY, 2024
CRIMINAL APPEAL No. 501 of 2024**

BETWEEN:-

**HARSH JHA S/O SHRI BHAWANDAS JHA, AGED ABOUT
21 YEARS, OCCUPATION: STUDY BAHODAPUR
CHAURAH CITY HOSPITAL KE PAAS LASHKAR
DISTRICT GWALIOR (MADHYA PRADESH)**

.....APPELLANT

(MR. PRABAL RAJ SINGH CHAUHAN - ADVOCATE FOR THE APPELLANT)

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION THROUGH POLICE STATION
GOLE KA MANDIR DISTRICT GWALIOR
(MADHYA PRADESH)**
- 2. ABHIYOKTRI THROUGH POLICE STATION GOLA
KA MANDIR, GWALIOR GWALIOR (MADHYA
PRADESH)**

.....RESPONDENTS

**(MR. P. TANWAR - PANEL LAWYER FOR RESPONDENT NO. 1 - STATE
AND MR. VIVEK SHARMA - ADVOCATE FOR RESPONDENT NO. 2 -
PROSECUTRIX / COMPLAINANT)**

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

ORDER

This is the criminal appeal filed by the appellant under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as "SC/ST Act") assailing the order dated 26.12.2023 passed by Special Judge (Atrocities), Gwalior (M.P.) in Bail Application No.3598 of 2023, whereby anticipatory bail application of the

appellant relating to FIR No. 684 of 2023 registered at Police Station Gola ka Mandir, District Gwalior (M.P.) for the offence under Sections 323, 294, 506, 354-A, 452-A, 34 of IPC and Sections 3(1)(Dha), 3(1)W(i) and 3(2)(va) of the SC/ST Act has been rejected.

Learned counsel for the appellant argued that the appellant is innocent and has falsely been implicated in this case. Allegedly, one incident occurred on 15.11.2023 for which no FIR was lodged, however, on 12.12.2023, co-accused Shiv Mangal allegedly threatened the complainant and, thereafter, on 14.12.2023, the FIR has been lodged. There is delay of two days in filing the FIR even after alleged threatening on 12.12.2023 by the co-accused. No allegation against the present appellant has been levelled for threatening the complainant on 12.12.2023. Under these circumstances, ingredients of the SC/ST Act are not available against the present appellant. Further argument is that appellant is the permanent resident of District Gwalior (M.P.) having no criminal antecedents and there is no possibility of his absconsion or tampering with the prosecution evidence. Hence, he prays for grant of anticipatory bail to the appellant.

On the other hand, learned State counsel as well as learned counsel for the complainant opposed the appeal and prayed for its dismissal.

Considering the facts and circumstances of the case, without commenting upon the merits of the case, this appeal stands allowed and it is directed that in the event of arrest, the appellant be released on bail on furnishing a personal bond in the sum of **Rs. 25,000/- (Rs. Twenty Five Thousand only)** with one solvent surety in the like amount to the satisfaction of the Arresting Officer/Investigating Authority.

The appellant shall further abide by other conditions enumerated under Section 438 (2) of the Code of Criminal Procedure and shall cooperate in the investigation.

C.C. as per rules.

(SUNITA YADAV)
JUDGE

AKS

