# IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

**BEFORE**

**HON'BLE SMT. JUSTICE SUNITA YADAV**

**ON THE 24th OF JANUARY, 2024**

**CRIMINAL APPEAL No. 1238 of 2024**

**BETWEEN:-**

1. **MAN SINGH S/O SHRI NATHULAL DHAKAD, AGED ABOUT 58 YEARS, OCCUPATION: AGRICULTURIST**

2. **PHOOL SINGH S/O SHRI NATHULAL DHAKAD, AGED ABOUT 60 YEARS, OCCUPATION: AGRICULTURIST**

3. **AJAB SINGH S/O SHRI BHOGILAL DHAKAD, AGED ABOUT 40 YEARS, OCCUPATION: AGRICULTURIST**

4. **SURESH SINGH S/O SHRI BHOGILAL DHAKAD, AGED ABOUT 38 YEARS, OCCUPATION: AGRICULTURIST**
**ALL R/O VILLAGE DIBIYA MANPUR, P.S. BAMORI, DISTRICT GUNA (MADHYA PRADESH)**

**.....APPELLANTS**

***(BY MS. RICHA BHADORIYA - ADVOCATE)***

**AND**

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION BAMORI, DISTRICT GUNA (MADHYA PRADESH)**

2. **DHARMENDRA BHILALA R/O AATA KHEDI BAMORI GUNA (MADHYA PRADESH)**

**.....RESPONDENTS**

***(BY SHRI PRABHAT PATERIYA - ADVOCATE GENERAL)***

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

**ORDER**

This is the Second Criminal Appeal filed by the appellants under Section

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14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act against the order dated 15-09-2023 passed in Bail Application No. 605/2023 by Special Judge (SC/ST Act) Guna (M.P.), whereby anticipatory bail application, relating to FIR No. 148 of 2023 registered at Police Station Bamori, District Guna (M.P.) for the offence under Sections 341, 323, 294, 506, 34 of IPC, Section 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act of the appellants has been rejected.

First appeal was dismissed as withdrawn vide order 09-10-2023 passed in Cr.A. No.12483/2023 with liberty to surrender before the court below and apply for regular bail.

Learned counsel for the appellants argued that appellants are innocent and have been falsely implicated *ulterior motive*. It is further argued that the offence punishable under the SC/ST Act is not made out in this case because in the FIR there is no specific allegation regarding any specific words which were being uttered at the time of incident. Further argument is that expect the offence of SC/ST Act, all the offences are bailable in nature. The appellants are permanent resident of District Guna (M.P.) and there is no likelihood of their absconding or tampering with the prosecution evidence. It is further submitted that the appellants are ready and willing to co-operate in the investigation and shall abide by all the terms and conditions as may be imposed by this Court; therefore, she prays for grant of anticipatory bail.

On the other hand, learned State counsel has vehemently opposed the appeal and argued that the appellants have actively participated in the offence and there is specific allegations against them that having knowledge about the caste, the appellants committed the offence, therefore, *prima-facie* ingredients

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of offence punishable under SC/ST is made out against the appellants. It is further argued that first criminal appeal for grant of bail to the appellants has already been dismissed as withdrawn and, thereafter, there is no change in circumstance under which present criminal appeal can be allowed. Hence, prayed to reject the appeal.

Heard learned counsel for the rival parties and perused the available record.

From there perusal of record, it is apparent that first appeal was dismissed as withdrawn vide order 09-10-2023 passed in Cr.A. No.12483/2023 with liberty to surrender before the court below and apply for regular bail. After withdrawal of second criminal appeal, no change in circumstance could be pointed out by the learned counsel for the appellants so that the view taken on 09.10.2023 may be changed.

Consequently, this second criminal appeal under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act filed by the appellants is hereby **dismissed.**

**(SUNITA YADAV)**
**JUDGE**

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