IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 2nd OF FEBRUARY, 2024

CRIMINAL APPEAL No. 1298 of 2024

BETWEEN:-

DEVENDRA S/O SHRI BALWANT SINGH GURJAR, AGED ABOUT 40 YEARS, OCCUPATION: KASTKARI VILLAGE NAUGAO POLICE STATION KAMPOO DISTRICT GWALIOR (MADHYA PRADESH)

.....APPELLANT

(MR. GAURAV MISHRA - ADVOCATE FOR THE APPELLANT)

AND

1. **THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION JHANSI ROAD DISTRICT GWALIOR (MADHYA PRADESH)**

2. **COMPLAINANT THROUGH POLICE STATION JHANSHI ROAD, DIST. GWALIOR (MADHYA PRADESH)**

.....RESPONDENTS

(MS. KALPANA PARMAR - PANEL LAWYER FOR RESPONDENT NO. 1 - STATE)

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

ORDER

This is first criminal appeal under Section 14-A (1) (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as "SC/ST Act") assails the order dated 18.1.2024 passed by Special Judge, SC/ST Act, Gwalior (M.P.) whereby, application preferred by the appellant herein under Section 439 of Cr.P.C. relating to FIR No. 679 of

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2023 registered at Police Station Jhansi Road, District Gwalior (M.P.) for the offence under Sections 327, 294, 323 and 34 of IPC and Sections 3(1)(E), 3(1)(F) and 3(2)(va) of the SC/ST Act has been rejected.

Learned counsel for the appellant argued that appellant is innocent and has been falsely implicated. The injury allegedly caused by appellant - accused are simple in nature. Further argument is that appellant is in custody since 07.1.2024. Material part of the investigation has already been concluded, therefore, there is no requirement of further custodial interrogation of the appellant. The appellant is the permanent resident of District Gwalior (M.P.). Conclusion of trial is likely to take time and there is no likelihood of his absconsion, i f released on bail. Hence, he prays for grant of bail to the appellant.

Per contra, learned counsel for the State has opposed the appeal citing the criminal history of the appellant 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.1,00,000/- (Rs. One Lakh 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

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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.

7. The appellant shall mark his presence before the SHO of the concerning police station in the first week of every month till conclusion of trial.

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

AKS

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