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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. 1370 of 2024**

BETWEEN:-

**BANTU@BIKENDRA BHADORIYA S/O SHRI SHIVRAJ
SINGH, AGED ABOUT 30 YEARS, OCCUPATION:
AGRICULTURIST VILLAGE GITORE P.S. MEHGAON
DISTRICT BHIND (M.P.) (MADHYA PRADESH)**

.....APPELLANT

(MR. PRASHANT SHARMA - ADVOCATE FOR THE APPELLANT)

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION THROUGH POLICE STATION
MEHGAON DISTRICT BHIND (M.P.) (MADHYA
PRADESH)**
- 2. COMPLAINANT THROUGH POLICE STATION
TETRA MEHGAON MORENA (MADHYA PRADESH)**

.....RESPONDENTS

***(MR. RAVINDRA SINGH KUSWAH - ADVOCATE FOR RESPONDENT NO. 1 -
STATE)***

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

ORDER

This is second criminal appeal under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (hereinafter referred to as "SC/ST Act") assails the order dated 31.10.2023 passed by Special Judge, SC/ST Act, District Bhind (M.P.) whereby, application preferred by the appellant 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 of IPC, 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 & Section 11/13 of MPDVPK Act has been rejected. First criminal appeal was dismissed as withdrawn by order dated 28.11.2023 passed in CRA No.14387 of 2023 with liberty to revive his prayer after filing of charge-sheet.

Learned counsel for the appellant argued that appellant is innocent and has been falsely implicated. Allegedly, he inflicted injuries on injured with co-accused persons, however, no specific role have been attributed on him. Even no weapon have been seized. As per prosecution story, present appellant/accused had left the spot before recording of video. Further argument is that appellant is in custody since 09.10.2023. After conclusion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the appellant. The appellant has no criminal antecedents and is the 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. Co-accused Banti @ Satyanarayan Gurjar, Pradeep @ Pintu and Ramkumar Gurjar have already been granted bail by this Court and case of the present appellant is in parity with the aforesaid co-accused persons. Hence, he prays for grant of bail to the appellant.

Per contra, learned counsel for the State has opposed the appeal 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

AKS