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. 1588 of 2024

BETWEEN:-

1. **RAMKUMAR GURJAR S/O SHRI MOHAR SINGH, AGED ABOUT 23 YEARS, OCCUPATION: ADHYAN GRAM UTILA DISTRICT GWALIOR MP (MADHYA PRADESH)**

2. **SANI RAJAK S/O SHRI PRATAP RAJAK, AGED ABOUT 19 YEARS, OCCUPATION: STUDENT HINGONAKALA MORENA DIST. MORENA (MADHYA PRADESH)**

.....APPELLANTS

(MR. VISHWANATH PRATAP SINGH TOMAR - ADVOCATE FOR THE APPELLANTS)

AND

1. **THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE THANA UTILA DISTRICT GWALIOR MP (MADHYA PRADESH)**

2. **FARIYADI CRIME NO. 173/2023 THROUGH POLICE THANA UTEELA DISTRICT 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

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referred to as "SC/ST Act") filed by the appellants assailing the order dated 25.1.2024 passed by Special Judge, SC/ST Act, Gwalior (M.P.) whereby, application preferred by the appellants herein under Section 439 of Cr.P.C. relating to FIR No. 173 of 2023 registered at Police Station Uteela, District Gwalior (M.P.) for the offence under Sections 294, 323, 506, 34 and 327 of IPC and Sections 3(1)(*da*)(*dha*), 3(2)(v) and 3(2)(va) of the SC/ST Act has been rejected.

Learned counsel for the appellants argued that appellants are innocent and has been falsely implicated. He has been arrayed as an accused on account of some dispute over money transaction of Rs.5000/-. The injury allegedly caused by the appellants is simple in nature. Further argument is that appellants are in custody since 22.1.2024. Material part of the investigation has already been concluded, therefore, there is no requirement of further custodial interrogation of the appellants. The appellants No. 1 and 2 are the permanent resident of District Gwalior and Morena respectively. Conclusion of trial is likely to take time and there is no likelihood of their absconsion, if released on bail. Hence, he prays for grant of bail to the appellants.

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 appellants be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rs. Fifty Thousand Only)** each with one solvent surety in the like amount each to the satisfaction of the concerned trial Court/Committal Court.

This order will remain operative subject to compliance of the following

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conditions by the appellants:-

1. The appellants will comply with all the terms and conditions of the bond executed by them;

2. The appellants will cooperate in the investigation/trial, as the case may be;

3 . The appellants will not indulge themselves 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 appellants shall not commit an offence similar to the offence of which they are accused;

5. The appellants will not seek unnecessary adjournments during the trial; and

6. The appellants 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

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