IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

CRIMINAL APPEAL No. 206 of 2024

BETWEEN:-

NILESH YADAV S/O SHRI SHRIRAM YADAV, AGED ABOUT 22 YEARS, OCCUPATION: AGRICULTURIST RESIDENT OF WARD NO 13, DAMKA MOHALLA KHARGAPUR P.S. KHARGAPUR DISTRICT TIKAMGARH (MADHYA PRADESH)

.....APPELLANT

(BY SHRI S. K. MISHRA, ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION KHARGAPUR DISTRICT TIKAMGARH (MADHYA PRADESH)**

2. **DAYARAM AHIRWAR S/O SHRI BANCHU AHIRWAR, AGED ABOUT 40 YEARS, R/O VILLAGE SARKANPUR P.S. KHARGAPUR DISTRICT TIKAMGARH (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI AKSHAY NAMDEO, GOVT. ADVOCATE & SHRI SHIVENDRA SHUKLA, ADVOCATE FOR OBJECTOR)

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

ORDER

This is the first criminal appeal filed on behalf of the appellant under Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of anticipatory bail against order dated 27.12.2023 passed by Special Judge (Atrocities), District Tikamgarh Rewa (M.P.), by which his application has been dismissed.

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2 . Appellant is apprehending his arrest in connection with FIR No.273/2023, registered at Police Station Khargapur, District Tikamgarh (M.P.) for the offences punishable under Sections 323, 294 and 506 of IPC and under Section 3(1)(da), 3(1)(dha), 3(2)(v-Ka) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Learned counsel appearing for appellant submitted that except offence under SC/ST Act other offences are bailable in nature. In these circumstances, appellant be released on anticipatory bail.

4. Learned counsel for the objector appeared before the Court and submitted that objector does not have any objection if appellant is released on bail.

5. Learned Govt. Advocate appearing for State opposed the appeal for grant of anticipatory bail on ground that offence is serious in nature and 3 cases are registered against him in past.

6. Heard the counsel for the parties.

7 . Offences registered against the appellant are not serious in nature. Complainant does not have any objection if appellant is released on bail.

8. Considering the aforesaid circumstances, appeal filed by appellant is **allowed.**

9. It is directed that in the event of arrest of appellant, he shall be released on bail on furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety in the like amount to the satisfaction of the Arresting officer (Investigating Officer) for his regular appearance before the Police during the investigation or before the Court during trial.

10. The appellant is directed to join the investigation immediately and co-

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operate with the investigating agency. He will further abide by the conditions enumerated in sub-section (2) of Section 438 of the Cr.P.C.

Certified copy as per rules.

(VISHAL DHAGAT)
JUDGE

mms

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