IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

CRIMINAL APPEAL No. 1325 of 2024

BETWEEN:-

ARJUN YADAV S/O MATHURA PRASAD YADAV, AGED ABOUT 25 YEARS, OCCUPATION: LABOURER R/O SATAI ROAD MAHARANA PRATAP NAGAR CHHATARPUR (MADHYA PRADESH)

.....APPELLANT

(BY SHRI RANJAN BANERJEE-ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH POLICE STATION CIVIL LINES CHHATARPUR DISTRICT CHHATARPUR (MADHYA PRADESH)**

2. **AJAYRAJ BHARTI S/O CHHANNULAL AHIRWAR BHARAT NAGAR CIVIL LINES CHHATARPUR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI MANOJ KUSHWAHA-PANEL LAWYER FOR RESPONDENT NO.1/STATE AND NONE FOR RESPONDENT NO.2 DESPITE SERVICE OF NOTICE)

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

ORDER

This second application for grant of bail in the form of criminal appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been filed assailing the order dated 11.09.2023 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, Chhatarpur, whereby application under Section 439 of Cr.P.C. for grant of

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regular bail filed on behalf of appellant/accused has been dismissed.

2. Appellant's first bail application in the form of criminal appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was dismissed as withdrawn and not pressed with liberty to renew the prayer for bail after three months vide order dated 20.10.2023 passed in Cr.A.No.12118 of 2023.

3. Appellant has been arrested in connection with F.I.R. bearing Crime No.590/2023 dated 09.08.2023 registered at Police Station-Civil Lines, Chhatarpur (M.P.) for commission of offence under Sections 294, 323, 327, 506 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Appellant is in detention since 10.08.2023.

4. As per the prosecution story, on 09.08.2023, Arjun Yadav demanded Rs.500/- from complainant Ajayraj Bharti. When he refused to give the money, he abused him, called by name and beat him by means of wood stick causing injuries. FIR was registered. After investigation, charge-sheet has already been filed.

5. Learned counsel for the appellant has submitted that the appellant has not committed any offence. He is innocent. He has been falsely implicated. He is in jail for the last more than five months. Injuries sustained by the injured are simple in nature. Therefore, it is prayed that the appellant may be released on bail.

6. On the other hand, learned counsel for the State has opposed grant of bail on the ground that appellant has criminal background of eleven cases.

7. Undoubtedly, appellant has criminal background of eleven cases but having taken into consideration his detention period including the facts and

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circumstances of the case, but without expressing any opinion on the merit of the case, I am inclined to release him on bail. Consequently, this appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 stands **allowed** and the impugned order dated 11.09.2023 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, District Chhatarpur (M.P.) is set-aside.

8. It is directed that appellant - **Arjun Yadav** be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 437(3) of Cr.P.C.

9. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

(DINESH KUMAR PALIWAL)
JUDGE

b

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