

# Kaushal vs The State Of Madhya Pradesh on 13 March, 2025

NEUTRAL CITATION NO. 2025:MPHC-GWL:6179

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IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
BEFORE  
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI  
ON THE 13th OF MARCH, 2025  
THROUGH VIDEO CONFERENCING  
CRIMINAL APPEAL No. 2564 of 2025  
KAUSHAL AND OTHERS  
Versus  
THE STATE OF MADHYA PRADESH AND ANOTHER  
Appearance:  
Appellants by Shri Ravi Shankar Gupta - Advocate.  
Respondent No.1 - State of Madhya Pradesh by Shri B.P.  
Advocate appearing on behalf of Advocate General.  
Respondent No.2 - complainant by Shri Shiv Pratap Sin  
Advocate.

## ORDER

This first application for grant of bail in the form of criminal appeal under Section 14 (A) (2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (herein after referred to as the Act) has been filed assailing order dated 04.03.2025 passed by learned Special Judge [SC / ST (Prevention of Atrocities) Act] Unav, District Datia (MP), whereby application under 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) = Section 439 of Code of Criminal Procedure, 1973 (herein after referred to as Code) for grant of regular bail filed on behalf of appellants / accused has been dismissed.

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2. Appellants have been arrested on 04.03.2025 in connection with F.I.R. bearing Crime No.221 of 2024 registered at Police Station Unav, District Datia (MP) for commission of offence punishable under Sections 296, 115 (2), 351 (3), 3 (5) of Bhartiya Nyaya Sanhita, 2023 and also under Sections 3 (1) (da), 3 (1) (dha) and 3 (2) (v-a) of the Act.

3. Learned counsel for the appellants submits that this is a case of false implication wherein all the members of the family have been roped in. The incident allegedly took place on 26.10.2024. Learned counsel submits that the appellants were given the benefit of guidelines given by the Apex Court in case of Arnesh Kumar v. State of Bihar reported in (2014) 8 SCC 273, but after filing of the charge sheet, all the appellants have been sent to jail. Investigation is complete and charge sheet has also been filed. The offences are trivial in nature. Final conclusion of the trial will take considerable long

time. There is no possibility of absconding and tempering with the prosecution evidence. In the aforesaid premises, it is prayed that appeal be allowed and appellants may be released on bail.

4. Learned counsel appearing for respondent No.2 - objector submits that Manohar and Kapuri have been assaulted by the appellants and they have hurled filthy abuses in the name of caste, therefore, prays for dismissal of the appeal.

5. In the aforesaid factual backdrop and looking to the evidence in entirety coupled with the fact of completion of investigation and bleak chances of the trial being concluded in near future, but without expressing any opinion on the merits of the case, I am of the view that it is a case in NEUTRAL CITATION NO. 2025:MPHC-GWL:6179 3 CRA-2564-2025 which further pre-trial detention of the appellants is not warranted. Consequently, this appeal under Section 14 (A) of the Act stands allowed and the impugned order dated 04.03.2025 passed by learned Special Judge [SC / ST (Prevention of Atrocities) Act] Datia District Datia (MP) is set aside.

6. It is directed that appellant No.1 - Kaushal S/o Ramsahay Dangi, appellant No.2 - Raghvendra S/o Ramsahay Dangi, appellant No.3 - Rajjan S/o Ramsahay Dangi, appellant No.4 - Rajendra S/o Pritam Dangi, Pradeep S/o Rajjan Dangi, appellant No.5 - Pradeep S/o Rajjan Dandi and appellant No.6 - Kuldeep S/o Kaushal Dangi be released on bail upon each of them 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 their regular appearance before the trial Court during trial with a condition that they shall remain present before the concerned Court on all the dates fixed by it during trial. They shall abide by all the conditions enumerated under Section 437 (3) of the Cr.P.C. (Section 480 (3) of BNSS).

7. 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.

(BINOD KUMAR DWIVEDI) JUDGE Adnan