

Omprakash Pal vs The State Of Madhya Pradesh on 20 August, 2018

The High Court Of Madhya Pradesh

CRA-5100/18

(Omprakash vs. The State of Madhya Pradesh and another)

20-08-2018

Jabalpur, Dated :

Shri B.K. Shukla, Advocate for the appellant.

Shri Arvind Singh, learned Govt. Advocate for the respondent no.1/State.

None present for the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard. This criminal appeal has been filed under Section 14-A (1) of SC/ST (Prevention of Atrocities) Act against the order dated 26/08/2018 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, Bhopal, in ST No.44/18; whereby learned Special Judge rejected the bail application filed by the appellant, under Section 439 of Cr.P.C. to get bail in Crime No.106/2018 registered at P.S. Najirabad, Distt. Bhopal (M.P.) for the offences punishable under Sections 363, 366, 376 of IPC and also section 3(I)(w)(I), 3(2)(5), 3(2)(5a) of SC/ST Act and also section 3/4 of PACSO Act As per prosecution case, on 5.05.2018 applicant abducted the prosecutrix who was minor at the time of incident and took her to village Shivnateran where he kept her and committed rape with her. On that, police registered Crime no.106/2018 registered at P.S. Najirabad, Distt. Bhopal (M.P.) for the offences punishable under Sections 363, 366, 376 of IPC and also Section 3(I)(w)(I), 3(2)(5), 3(2) (5a) of ST/SC (Prevention of Atrocities) Act and Section 3/4 of the POSCO Act and investigated the matter. During investigation on 16/5/2018 police arrested the appellant. On that, the appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 26.08.2018. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

Learned counsel for the appellant submitted that applicant is innocent and has been falsely implicated in the case. The statements of the prosecutrix and her mother have been recorded by the trial Court. They did not support the prosecution story and the appellant is in custody since 16.05.2018 and conclusion of trial will take considerable time. So appellant be released on bail.

On the other hand learned counsel for the State opposed the prayer and submitted that the appellant abducted the minor girl and made sexual relation with her, so he should not be released on bail.

Looking to the facts and circumstances of the case and the statement of prosecutrix and her mother recorded by the trial Court and as to the fact that the appellant is in custody since 16.05.2018 and conclusion of trial will take time, so without commenting on merit, the appeal is allowed. It is directed that the appellant Omprakash Pal be released on bail on his furnishing 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 trial 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 trial;
3. The appellant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

Accordingly, this appeal is disposed of. Certified copy as per rule.

(RAJEEV KUMAR DUBEY) JUDGE The High Court Of Madhya Pradesh CRA-4800-2018 (VICKY @ RAJA Vs THE STATE OF MADHYA PRADESH) 24-07-2018 Jabalpur, Dated :

Shri Rahul Diwarkar, Advocate for the applicant.

Shri Manish Soni, Govt. Adv.for the respondent no.1/State.

None present from the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard.

This criminal appeal has been filed under Section 14-A of SC/ST (Prevention of Atrocities) Act against the order dated 4/5/2018 passed by Special Judge, SC/ST

(Prevention of Atrocities) Act, Chhindwara, in B.A.No.1005/2018; whereby learned Special Judge rejected the bail application filed by the appellant, under Section 439 of Cr.P.C. to get bail in Crime No.111/2018 registered at P.S. City Kotwali, District Chhindwara (M.P.) for the offences punishable under Sections 341, 394 of IPC and also Section 3(2)(v)(a) of ST/ST (Prevention of Atrocities) Act.

As per prosecution case, on 23/2/2018 at about 8.30 p.m. when complainant went to Gulabra on the way, when she reached at street no.14 applicant and co-accused came on bike and looted one mobile from the complainant and ran away. On that, police registered Crime no.111/2018 registered at P.S. City Kotwali, District Chhindwara (M.P.) for the offences punishable under Sections 341, 394 of IPC and also Section 3(2)(v)(a) of ST/ST (Prevention of Atrocities) Act and investigated the matter. During investigation on 27/2/2018 police arrested the applicant and after investigation charge-sheet was filed, on which Special S.T.No.62/2018 was registered. During trial of the case, appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 4/5/2018. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. The appellant has no criminal past. Charge-sheet has been filed and the appellant is in custody since 27/2/2018 and conclusion of trial will take considerable time. So applicant be released on bail.

Learned counsel for the State opposed the prayer and submitted that the appellant looted the mobile from the possession of the complainant and the mobile has been seized by the police from the possession of the appellant and the complainant also identified the appellant in the T.I. Parade. So he should not be released on bail.

Looking to the facts and circumstances of the case and as to the fact that the appellant has no criminal past, he is in custody since 27/2/2018 and the charge-sheet has been filed and conclusion of trial will take time, so without commenting on merit, the appeal is allowed. It is directed that the appellant be released on bail on his furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One lac only) with one solvent surety in the like amount to the satisfaction of Trial 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 trial;

- 3.The appellant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

Accordingly, this appeal is disposed of.

(RAJEEV KUMAR DUBEY) JUDGE m/-

The High Court Of Madhya Pradesh CRA-4905-2018 (JODHARAM TANWAR Vs THE STATE OF MADHYA PRADESH) 24-07-2018 Jabalpur, Dated :

Shri R.S. Verma, Advocate for the appellants.

Shri Arvind Singh, Govt. Adv. for the respondent No.1/State.

None present from the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard.

This criminal appeal has been filed under Section 14 (A) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 27/6/2018 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, in Spl.Case no.SC48/2018; whereby learned Special Judge rejected the bail application filed by appellants Jodharam Tanwar, Sunil Tanwar and Braj Tanwar, under Section 439 of Cr.P.C. to get bail in Crime No.81/2018 registered at P.S. Najeerabad, Distt. Bhopal (M.P.) for the offences punishable under Section 294, 323 and 506-B/34 of I.P.C.and also under Section 3(1)(r(S) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act 1989.

As per prosecution case, on 5/4/2018 at about 10 p.m., appellants abused complainant Chhitarlal and when complainant denied, the appellants also assaulted him by stick and also threatened to kill him. On the incident, the complainant sustained injury on his head. On the report of the complainant, police registered Crime no.81/2018 registered at P.S. Najeerabad, Distt. Bhopal (M.P.) for the offences

punishable under Section 294, 323 and 506-B/34 of I.P.C. and also under Section 3(1)(r(S) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation on 12/6/2018 police arrested the appellants. On that, appellants filed an application under Section 439 of Cr.P.C. for releasing them on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 19/12/2017. Being aggrieved by the impugned order, appellants filed this Criminal Appeal.

Learned counsel for the appellants submitted that appellants are innocent and have falsely been implicated in this matter. The appellants are in custody since 12/6/2018. Charge sheet has been filed and conclusion of trial will take time, so appellants be released on bail.

Learned counsel for the State opposed the prayer.

Looking to the facts and circumstances of the case and as to the fact that the appellants are in custody since 12/6/2018, charge sheet has been filed and conclusion of trial will take time, so without commenting on merit, the appeal is allowed. It is directed that appellants namely Jodharam Tanwar, Sunil Tanwar and Braj Tanwar be released on bail on their furnishing personal bond in the sum of Rs.50,000/ (Rupees Fifty Thousand only) each with one solvent surety in the like amount to the satisfaction of trial Court.

This order will remain operative subject to compliance of the following 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 trial;
3. The appellants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(RAJEEV KUMAR DUBEY) JUDGE m/-

The High Court Of Madhya Pradesh CRA-4920-2018 (RAJA BHAIYA KURMI Vs THE STATE OF MADHYA PRADESH) 23-07-2018 Jabalpur, Dated :

Shri S.K. Kashyap, Advocate for the appellant.

Shri Akhilendra Singh, Govt. Advocate for the respondent no.1-State.

None present from the respondent Nos.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard.

This first criminal appeal has been filed under Section 14-A(2) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 5/6/2018 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, in A.No.15307/2018; whereby learned Special Judge rejected the bail application filed by appellant, under Section 439 of Cr.P.C. to get bail in Crime No.49/2017 registered at P.S. Majhgawan, District Jabalpur, (M.P.) for the offences punishable under Sections 363, 366, 376 of I.P.C. and 3(2)(5) and 3(2)(5ka) of SC/ST (Prevention of Atrocities) Act 1989 and Section 3/4 of the POCSO Act. Earlier, the appellant filed the applications which were dismissed as withdrawn vide orders dated 13/11/2017 & 11/5/2018 passed in Cr.A.No.3379/17 and Cr.A.No.2935/2018 respectively.

As per prosecution case, in the intervening night of 22- 23/2/2017 appellant abducted the prosecutrix, who was minor at the time of incident, and took her to Sihora, Katni, Singrauli then Satna, where he kept her and made sexual relation with her. On that report, police registered the Crime No. Crime No.49/2017 registered at P.S. Majhgawan, District Jabalpur, (M.P.) for the offences punishable under Sections 363, 366, 376 of I.P.C. r/w Section 25(1-B) of the Arms Act and Section 3(2)(v) and 3(2)(5) and 3(2)(5ka) of SC/ST (Prevention of Atrocities) Act 1989 and Section 3/4 of the POCSO Act and investigated the matter in which appellant was arrested on 8/4/2017. On that, appellant filed an application under Section 439 of the Cr.P.C. for releasing him on bail, which was rejected by the Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 5/6/2018. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

Learned counsel for the appellant submitted that he is innocent and has falsely been implicated in this matter. The prosecutrix was major at the time of incident and went with the appellant on her own will. The appellant is in custody since 8/4/2017, so appellant be released on bail.

On the other hand learned counsel for the respondent no.1/State opposed the prayer and submitted that in the school admission register, date of birth of the prosecutrix is mentioned as 6/7/2000 and the appellant abducted the minor girl and made sexual relation with her, so he should not be released on bail.

Hence, looking to the facts and circumstances of the case and as to the fact that the appellant abducted minor girl and committed rape with her, so this Court is not inclined to grant bail. Hence appeal is dismissed.

(RAJEEV KUMAR DUBEY) JUDGE m/-

The High Court Of Madhya Pradesh CRA-3761-2018 (BHUKUL @ MUKUL YADAV @ ROHANI PRASAD Vs THE STATE OF MADHYA PRADESH) Jabalpur, Dated : 04-07-2018 Shri Ashish Tiwari, learned counsel for the appellants. Shri Arvind Singh, Govt. Adv. for the respondent No.1/State. None present from the respondent Nos.2 and 3/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1. Case diary perused and arguments heard. This first criminal appeal has been filed under Section 14 (A) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 10/5/2018 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, in B.A. No.24/2018; whereby learned Special Judge rejected the bail application filed by appellant Bhukul @ Mukul Yadav @ Rohani Prasad, under Section 439 of Cr.P.C. to get bail in Crime No.39/2018 registered at P.S. Burhar, District Shahdol, (M.P.) for the offences punishable under Sections 147, 148, 294, 323, 307 of I.P.C. r/w Section 25(1-B) of the Arms Act and Section 3(2)(v) and 3(2)(5 ka) of SC/ST (Prevention of Atrocities) Act 1989. Earlier, the appellant filed the applications which were dismissed as withdrawn vide orders dated 28/2/2018 & 4/5/2018 passed in MCrC Nos.5979/2018 and 16284/2018 respectively. As per prosecution case on 17/01/2018 at 2:00 PM appellant and co-accused persons namely Laltesh Yadav, Lalan Kewat, Daddu Baiga, Minda Yadav, Bablu Kewat and Lallu Kewat went to the the Hotel of Jhurru Kewat situated at village Jarwahi armed with stick, sword and knife and abused the complainant Ajay Yadav and his friends Manoj Raidas & Ramchandra. Thereafter, co-accused Minda Yadav inflicted knife blow on the stomach of Ramchandra and co-accused Lalan Kewat also assaulted Manoj Choudhary by means of sword, who sustained injury in his right hand. It is alleged that the applicants Lalitesh Yadav and Daddu Baiga also assaulted them by stick. On that report, police registered Crime No.39/2018 registered at P.S. Burhar, District Shahdol, (M.P.) for the offences punishable under Sections 147, 148, 294, 323, 307 of I.P.C. r/w Section 25(1-B) of the Arms Act and Section 3(2)(v) and 3(2)(5 ka) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation on 18/1/2018 police 1 CRA-3761-2018 arrested the appellant. On that appellant filed application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act, Shahdol vide order dated 10/05/2018. Being aggrieved from that order appellant has preferred this appeal.

Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. Otherwise also according to the prosecution story co-accused Minda Yadav caused grievous injury to Ramchandra by knife. The appellant is in custody since 18/01/2018 and conclusion of trial is likely to take long time, hence prayed for release of the applicant on bail.

On the other hand learned counsel for the respondent/State opposed the prayer and submitted that sufficient material is available against the applicant to connect him with the offence. Looking to the facts and circumstances of the case and as to the fact that the appellant is in custody since 18/1/2018, charge sheet has been filed and conclusion of trial will take time, so without commenting on merit, the appeal is allowed.

It is directed that the appellant be released on bail on his furnishing 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 trial 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 fact of the case so as to dissuade him 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. 2 CRA-3761-2018 (RAJEEV KUMAR DUBEY) JUDGE A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

m/-

3 CRA-3761-2018 THE HIGH COURT OF MADHYA PRADESH CRA-6374-2017 (MANISH JAIN Vs THE STATE OF MADHYA PRADESH) 01-02-2018 Jabalpur, Dated :

Shri Atul Choudhary, learned counsel for the appellant.

Shri Y.D. Yadav, Govt. Adv. for the respondent No.1/State.

Shri A.M. Lal, Advocate for the respondent no.2/Complainant.

Complainant is also present in person.

Case diary perused and arguments heard.

This criminal appeal has been filed under Section 14 (A) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 19/12/2017 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, in B.A. No.419/2017; whereby learned Special Judge rejected the bail application filed by appellant Manish Jain, under Section 439 of Cr.P.C. to get bail in Crime No.564/2017 registered at P.S. Garha, District Jabalpur, (M.P.) for the offences punishable under Section 376 (2)(N) of I.P.C. and also under Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act 1989.

[2] As per prosecution case, on 12/8/2017 prosecutrix lodged a report at P.S. Garha averring that appellant for the first time made sexual relation with her in the year 2007 on the pretext of marriage. Thereafter, he used to make sexual relation on the pretext of marriage. Thereafter, he denied to marry with her. On that report, police registered Crime no.564/2017 for the offence punishable under Section 376 (2)(N) of I.P.C. and also under Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation on 12/12/2017 police arrested the appellant. On that appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 19/12/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

[3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. In the FIR, it is mentioned that for the first time appellant made sexual relation with the prosecutrix in the year 2007, while prosecutrix lodged the report on 12/9/2017, after ten years of the incident. The appellant is in custody since 12/12/2017. Charge sheet has been filed and conclusion of trial will take time, so appellant be released on bail.

[4] Learned counsel for the State as well as Objector opposed the prayer and submitted that the appellant sexually exploited the prosecutrix on the pretext of marriage. So, he should not be released on bail.

[5] Looking to the facts and circumstances of the case and as to the fact that the appellant is in custody since 12/12/2017, charge sheet has been filed and conclusion of trial will take time, so without commenting on merit, the appeal is allowed.

[6] It is directed that the appellant be released on bail on his furnishing 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 trial Court.

[7] 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 fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(RAJEEV KUMAR DUBEY) JUDGE m/-

THE HIGH COURT OF MADHYA PRADESH CRA-6374-2017 (MANISH JAIN Vs THE STATE OF MADHYA PRADESH) 01-02-2018 Jabalpur, Dated :

Shri Atul Choudhary, learned counsel for the appellant. Shri Y.D. Yadav, Govt. Adv. for the respondent No.1/State. Shri A.M. Lal, Advocate for the respondent no.2/Complainant. Complainant is also present in person.

Case diary perused and arguments heard.

This criminal appeal has been filed under Section 14 (A) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 19/12/2017 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, in B.A. No.419/2017; whereby learned Special Judge rejected the bail application filed by appellant Manish Jain, under Section 439 of Cr.P.C. to get bail in Crime No.564/2017 registered at P.S. Garha, District Jabalpur, (M.P.) for the offences punishable under Section 376 (2)(N) of I.P.C. and also under Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act 1989. [2] As per prosecution case, on 12/8/2017 prosecutrix lodged a report at P.S. Garha averring that appellant for the first time made sexual relation with her in the year 2007 on the pretext of marriage. Thereafter, he used to make sexual relation on the pretext of marriage. Thereafter, he denied to marry with her. On that report, police registered Crime no.564/2017 for the offence punishable under Section 376 (2)(N) of I.P.C. and

also under Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation on 12/12/2017 police arrested the appellant. On that appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 19/12/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

[3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. In the FIR, it is mentioned that for the first time appellant made sexual relation with the prosecutrix in the year 2007, while prosecutrix lodged the report on 12/9/2017, after ten years of the incident. The appellant is in custody since 12/12/2017. Charge sheet has been filed and conclusion of trial will take time, so appellant be released on bail.

[4] Learned counsel for the State as well as Objector opposed the prayer and submitted that the appellant sexually exploited the prosecutrix on the pretext of marriage. So, he should not be released on bail.

[5] Looking to the facts and circumstances of the case and as to the fact that the appellant is in custody since 12/12/2017, charge sheet has been filed and conclusion of trial will take time, so without commenting on merit, the appeal is allowed.

[6] It is directed that the appellant be released on bail on his furnishing 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 trial Court.

[7] 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 fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(RAJEEV KUMAR DUBEY) JUDGE m/-

CRA-6243-2017 (GOVINDSINGH SAHU Vs THE STATE OF MADHYA PRADESH) 10-01-2018
Jabalpur, Dated :

Shri Anand Nayak, learned counsel for the appellant. Shri Y.D. Yadav, Govt. Adv. for the respondent No.1/State. None present from the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard.

This criminal appeal has been filed under Section 14 (A) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 13/12/2017 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, in B.A. No.794/2017; whereby learned Special Judge rejected the bail application filed by appellant Govind Singh Sahu, under Section 439 of Cr.P.C. to get bail in Crime No.794/2017 registered at P.S. Gotegaon, District Narsinghpur, (M.P.) for the offences punishable under Sections 366, 376, 376 (2)

(n) of I.P.C. and also under Sections 3(1)(w-i), 3(2)(va) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act 1989.

[2] As per prosecution case, on 2/12/2017 prosecutrix lodged a report at P.S. Gotegaon averring that on 1/12/2017 at 2.30 p.m., the appellant abducted the prosecutrix and took her to forest near Paramhansi temple where he committed intercourse with her on the pretext of marriage. On that report, police registered Crime no.794/2017 for the offences punishable under Sections 366, 376, 376 (2)(n) of I.P.C. and also under Sections 3 (1)(w-i), 3(2)(va) and 3(2)(v) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation on 3/12/2017 police arrested the appellant. On that appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 13/12/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal. [3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter and the prosecutrix was major and went with the appellant on her own will and the consenting party. Prosecutrix in her statement, recorded by JMFC under Section 164 of the CrPC, stated that the appellant did not commit rape with her. The appellant is in custody since 3/12/2017, so appellant be released on bail.

[4] Learned counsel for the State opposed the prayer made by the appellant.

[5] Looking to the facts and circumstances of the case and statement of the prosecutrix recorded by the JMFC under Section 164 of the Cr.P.C. and as to the fact that appellant is in custody since 3/12/2017 and conclusion of trial will take time, without commenting on merit, the appeal is allowed. [6] It is directed that the appellant be released on bail on his furnishing 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 trial Court.

[7] 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 fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(RAJEEV KUMAR DUBEY) JUDGE m/-

Jabalpur dated, 21/11/2017 Shri Rahul Kumar Tripathi, learned counsel for the appellant.

Shri S.P. Shrivastava, learned Panel Lawyer for the respondent No.1/State.

None present from the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard. This criminal appeal has been filed under Section 14 (2) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 10/10/2017 passed by Special

Sessions Judge, SC/ST (Prevention of Atrocities) Act, in M.Cr.C. No.876/2017; whereby learned Special Judge rejected the bail application filed by the appellant Mukesh Kumar Jain, under Section 439 of Cr.P.C. to get bail in Crime No.316/2017 registered at P.S. Jatara, District Tikamgarh, (M.P.) for the offences punishable under Sections 363, 365, 376, 506/34 of I.P.C. and also under Sections 3 (2) (5-A) and 3(1)(da) of SC/ST (Prevention of Atrocities) Act 1989.

[2] As per prosecution case, on 2/9/2017 prosecutrix lodged a report at P.S. Jatara averring that on 9/8/2017 when she was return to her house, on the way, the appellant forcibly took her by a four wheeler to Jhansi and from Jhansi to Udaipur, where he kept the prosecutrix for one day and committed rape with her and then took her to Rajkot, where he kept her for two days and also committed rape with her and then he took her to Junagarh, where he kept the prosecutrix for 10-12 days wherein he also committed rape. After that, he took her back to Tikamgarh. On that report, police registered Crime no.316/2017 for the offences punishable under Sections 363, 365, 376, 506/34 of I.P.C. and also under Sections 3 (2) (5-A) and 3(1)(da) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation on 27/9/2017 police arrested the appellant. On that appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 10/10/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

[3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter and the prosecutrix was major and went with the appellant on her own will and the consenting party. The appellant is in custody since 10/10/2017, so appellant be released on bail.

[4] Learned counsel for the State opposed the prayer made by the appellant.

[5] Looking to the facts and circumstances of the case and as to the fact that appellant is in custody since 10/10/2017 and conclusion of trial will take time, without commenting on merit, the appeal is allowed.

[6] It is directed that the appellant be released on bail on his furnishing 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 Trial Court.

[7] 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 fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(RAJEEV KUMAR DUBEY) JUDGE m/-

Jabalpur, dated 27/11/2017 Shri D.K. Upadhyaya, Advocate for the applicant. Shri B.P. Pandey, Govt. Adv. for the respondent no.1/State. Respondent No.2/complainant present in person. Case diary perused and arguments heard. This criminal appeal has been filed under Section 14-A(1) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 17/8/2017 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, in Case No.SC.ATR./200010/2017; whereby learned Special Judge rejected the bail application filed by appellant Anar Singh, under Section 439 of Cr.P.C. to get bail in Crime No.695/2016 registered at P.S. G.R.P. Bhopal (M.P.) for the offences punishable under Sections 363, 365, 366, 368, 376-D (2) (N), 120-B, 370 and 370-K of I.P.C. and also under Sections 3 (1) (Y)(W)(II), 3(2)(5) of SC/ST (Prevention of Atrocities) Act 1989 and also under Section 5/6 and 9 of Human Trafficking Act. [2] As per prosecution, on 6/11/16 the prosecutrix, a married lady, aged about 30 years, lodged a report at Police Station GRP, Bhopal that she had come to Bhopal with her son, Sachin from Betul by train 3 months ago. At railway station Bhopal, she met with co-accused Anil @ Rahul @ Laddu, who offered her for job and then she went to the residence of Anil. At his residence, Anil committed rape with her. Thereafter, Anil and Rahees @ Rajkumar took her to house of present appellant Anar Singh, but her son was kept by the wife of Anil namely, Kavya. At the residence of the appellant, he and co-accused Rajaram committed rape with her and stated that they had purchased her from Anil for Rs.25,000/-. After three-four days, they sold prosecutrix to Raju Gadli for Rs.50000/- and he kept her as his wife for approximately one month and committed rape with her. When prosecutrix asked him to meet her son, Raju Gadli asked her to tell the appellant to return his money only then he would leave her. When she threatened to lodge a report then, appellant came and took her to Binaganj and where he handed over her to co-accused Dev Singh, Rambabu, Dhirav and Kishan. Thereafter, co-accused Dev Singh took her to a forest by motorcycle and committed rape with her. Then, co-accused Dev Singh, Rambabu, Dhirav and Kishan took her to Hinauti village and where they kept prosecutrix in the house of Pratap for 15 days. Thereafter, they kept her at village Talabadi and Khamkheda for 15 each.

[3] Learned counsel for the appellant submits that the appellant is an innocent person and has been falsely implicated in this case. It is further submitted that Police has made total 8 accused in this

case and the other co-accused persons Mohan and Dev Singh have been released on bail by a co-ordinate Bench of this Court vide orders dated 1/8/2017 and 1/6/2017 passed in Cr.A.Nos.2537/2017 and 959/2017 respectively. The appellant is in custody since 18/11/2016. So, appellant be released on bail. [4] Learned counsel for the State opposed the prayer made by the appellant.

[5] Looking to the facts and circumstances of the case and as to the fact that co-accused have already granted bail by the co-ordinate Bench of this Court. Appellant is in custody since 18/11/2016 and conclusion of trial will take time, without commenting on merit, the appeal is allowed. [6] It is directed that the appellant be released on bail on his furnishing 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 trial Court.

[7] 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;
7. The appellant will cooperate in the investigation/trial, as the case may be;
8. The appellant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
9. The appellant shall not commit an offence similar to the offence of which he is accused;
10. The appellant will not seek unnecessary adjournments during the trial; and
11. The appellant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(RAJEEV KUMAR DUBEY) JUDGE m/-

17/7/2017 Shri Guljar Rajput, learned counsel for the appellant. Shri Santosh Yadav, learned Panel Lawyer for the respondent No.1/State.

None present from the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard. This criminal appeal has been filed under Section 14-A of SC/ST (Prevention of Atrocities) Act against the order dated 7/4/2017 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, Narsinghpur, in special Case No.44/2017; whereby learned Special Judge rejected the bail application filed by the appellant Kedar Rajput, under Section 439 of Cr.P.C. to get bail in Crime No.15/2016 registered at P.S. Saikheda, District Narsinghpur, M.P. for the offences punishable under Sections 376, 354, 354(B), 294, 506 of IPC and under Sections 3(1)(w)(i)(ii), 3(2)(va) and 3(2)(v), of ST/ST (Prevention of Atrocities) Act. [2] As per prosecution case, on 20/1/2017 prosecutrix lodged a report averring that on 31/12/2016 at about 2 a.m. when she was sleeping in her house situated at Village Udni P.S. Saikheda, the applicant came to her house and committed rape with her. Thereafter, on 19/1/2017 at about 2 p.m., the applicant again came to her house and abused her and also used criminal force on her to outrage her modesty. On that report, police registered Crime no.15/2017 at police station Saikheda for the offence punishable under Sections 376, 354, 354(B), 294, 506 of IPC and under Sections 3(1)(w)(i)(ii), 3(2)(va) and 3(2)(v), of ST/ST (Prevention of Atrocities) Act and investigated the matter. During investigation on 15/3/17 police arrested the applicant and after investigation charge-sheet was filed, on which Special Case No.44/2017 was registered. During trial of the case, appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 7/4/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal. [3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. Prosecutrix was major. It is alleged that applicant committed rape with the prosecutrix on 31/12/2016 while prosecutrix lodged the report on 20/1/2017. There is no appropriate explanation regarding the delay in FIR. The applicant is in custody since 15/3/2017. Charge-sheet has been filed and conclusion of trial will take considerable time. So applicant be released on bail [4] Learned counsel for the State opposed the prayer made by the appellant.

[5] Looking to the facts and circumstances of the case and as to the fact that appellant is in custody since 15/3/2017, and that Charge-sheet has been filled and conclusion of trial will take time, without commenting on merit, the appeal is allowed. It is directed that the appellant be released on bail on his furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One lac only) with one solvent surety in the like amount to the satisfaction of Trial 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 fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

Accordingly, Cr. A. No. 2131/2017 is disposed of. C.C.as per rules.

(Rajeev Kumar Dubey) JUDGE m/-

25-07-2017 Shri Manish Datt, Senior Counsel with Shri Pawan Gujjar, learned counsel for the appellant.

Shri Vijay Soni, learned Panel Lawyer for the respondent No.1/State.

Shri S.K. Gautam, learned counsel for the respondent no.2/complainant.

Complainant is present in person.

Case diary perused and arguments heard. This criminal appeal has been filed under Section 14-A(1) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 27/5/2017 passed by IInd Additional Sessions Judge for Special Judge, SC/ST (Prevention of Atrocities) Act, in Special Case No.31/2017; whereby learned Special Judge rejected the bail application filed by the appellant Raju @ Ramprakash, under Section 439 of Cr.P.C seeking bail in Crime No.341/13 registered at P.S. Amla, District Betul, (M.P.) for the offences punishable under Sections 342, 376(2) and 506 of I.P.C. and also under Sections 3 (2) (v) read with 3(1)(xii) of SC/ST (Prevention of Atrocities) Act 1989 and also under Section 34 of the Protection of Children from Sexual Offences Act, 2012. [2] As per prosecution case, on 26/9/2013 at about 8 p.m. when the prosecutrix was going to attend the call of nature near her house situated at village Jammwada, the appellant met her on the way. He caught hold of her and took her to a room built at Tejlal Sahu's farm used for fastening bulls and committed rape with her there and also threatened to kill her. At about 12 a.m. the prosecutrix's father Ramdas and mother Sugarti Bai came there and on seeing them appellant fled away. Prosecutrix narrated the incident to them. They took her to P.S. Amla, Distt. Betul where she lodged the report. On that report, police registered Crime no.341/13 for the offences punishable under Sections 342, 376(2) (Jha) and 506 of I.P.C. and also under Sections 3 (2) (v) read with 3(1)(xii) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation Police did not get the accused. So after investigation police filed the charge sheet in the absence of the appellant. On that, charge sheet, Special Case No. 31/17 was registered. Police arrested the appellant on 6/5/2017 and produced before the court. Learned Court sent him to judicial custody. On that appellant filed an application under Section 439 of Cr.P.C. seeking bail, which was rejected by the learned Special

Judge, SC/ST (Prevention of Atrocities) Act vide order dated 27/5/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

[3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. Appellant is in custody since 6/5/2017, the charge sheet has been filed and conclusion of trial will take time, so appellant be released on bail.

[4] Respondent No.2 and her counsel submitted that they have no objection on appellant being granted bail . [5] Learned counsel for the State/Respondent No.1 opposed the prayer and submitted that In the marksheet the date of birth of prosecutrix is mentioned as 08/10/98 which shows that prosecutrix was only 15 years of age when the appellant committed rape with her and appellant remained absconded for a long period, So he shall not be released on bail. [6] Looking to the allegations levelled against the appellant that he committed rape of minor girl of 15 years and remained absconding for a long time after incident. Besides the possibility of tampering with the evidence by the accused if released on bail at this stage also can not be ruled out. So in the considered opinion of this court learned trial court did not commit any mistake in rejecting the application of applicant for releasing him on bail at this stage. So his appeal is rejected with the liberty that after recording the statement of the prosecutrix, the appellant is free to again file fresh bail application.

Accordingly, Cr.A. No. 2239/2017 is disposed of. (RAJEEV KUMAR DUBEY) JUDGE m/-

24-07-2017 Shri Purshottam Soni, learned counsel for the appellant. Shri Ashutosh Tiwari, learned Panel Lawyer for the respondent No.1/State.

None present from the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard. This criminal appeal has been filed under Section 14 (2) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 05.06.2017 passed by Special Sessions Judge, SC/ST (Prevention of Atrocities) Act, in M.Cr.C. No.453/2017; whereby learned Special Judge rejected the bail application filed by the appellant Suresh Patel, under Section 439 of Cr.P.C. to get bail in Crime No.87/2017 registered at P.S. Mohangarh, District Tikamgarh, (M.P.) for the offences punishable under Sections 363, 366 and 376 of I.P.C. and also under Sections 3 (2) (5-A) of SC/ST (Prevention of Atrocities) Act 1989.

[2] As per prosecution case, on 18.03.2017 appellant abducted the prosecutrix, who was minor at the time of incident, and took her to Orchha and from Orchha to village Kochha Bhawar, Distt. Jhansi, where he kept the prosecutrix till 28/5/2017 and committed rape. On that report, police registered Crime no.87/2017 for the offences punishable under Sections 363, 366 and 376 of I.P.C. And Sections 3 (2) (5-A) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation on 30.06.2017 police arrested the appellant. On that appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 5/6/2017. Being aggrieved by

the impugned order, appellant filed this Criminal Appeal.

[3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. The prosecutrix was major and she went with the appellant on her own will and he also filed the Adhar Card of the prosecutrix in support of his application, in which her age is mentioned as 20 years. The appellant is in custody since 30.06.2017, so appellant be released on bail.

[4] Learned counsel for the State opposed the prayer made by the appellant.

[5] Looking to the facts and circumstances of the case and statement of the prosecutrix recorded by the JMFC under Section 164 of the Cr.P.C. and as to the fact that appellant is in custody since 30.06.2017, the charge sheet has been filed and conclusion of trial will take time, without commenting on merit, the appeal is allowed.

[6] It is directed that the appellant be released on bail on his furnishing 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 Trial Court.

[7] This order will remain operative subject to compliance of the following conditions by the appellant :

12. The appellant will comply with all the terms and conditions of the bond executed by him;

13. The appellant will cooperate in the investigation/trial, as the case may be;

14. The appellant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;

15. The appellant shall not commit an offence similar to the offence of which he is accused;

16. The appellant will not seek unnecessary adjournments during the trial; and

17. The appellant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the Court concerned for compliance.

Accordingly, Cr.A. No. 11174/2017 is disposed of. CC as per rules.

(RAJEEV KUMAR DUBEY) JUDGE m/-

24-07-2017 Shri Purshottam Soni, learned counsel for the appellant. Shri Ashutosh Tiwari, learned Panel Lawyer for the respondent No.1/State.

None present from the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard. This criminal appeal has been filed under Section 14 (2) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 05.06.2017 passed by Special Sessions Judge, SC/ST (Prevention of Atrocities) Act, in M.Cr.C. No.453/2017; whereby learned Special Judge rejected the bail application filed by the appellant Mukesh Kumar Jain, under Section 439 of Cr.P.C. to get bail in Crime No.316/2017 registered at P.S. Jatara, District Tikamgarh, (M.P.) for the offences punishable under Sections 363, 365, 376, 506/34 of I.P.C. and also under Sections 3 (2) (5-A) and 3(1)(da) of SC/ST (Prevention of Atrocities) Act 1989.

[2] As per prosecution case, on 2/9/2017 prosecutrix lodged a report at P.S. Jatara averring that on 9/8/2017 when she was return to her house, on the way, the appellant forcibly took her by a four wheeler to Jhansi and from Jhansi to Udaipur, where he kept the prosecutrix for one day and committed rape and then took her to Rajkot, where he kept her for two days and also committed rape and then he took her to Gujrat where he kept the prosecutrix for 10-12 days wherein he also committed rape. After that, he took her back to Tikamgarh. On that report, police registered Crime no.316/2017 for the offences punishable under Sections 363, 365, 376, 506/34 of I.P.C. and also under Sections 3 (2) (5-A) and 3(1)(da) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation on 27/9/2017 police arrested the appellant. On that appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 10/10/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

[3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter and the prosecutrix is a major and consenting party. The appellant is in custody since 10/10/2017, so appellant be released on bail.

[4] Learned counsel for the State opposed the prayer made by the appellant.

[5] Looking to the facts and circumstances of the case and as to the fact that appellant is in custody since 10/10/2017 and conclusion of trial will take time, without commenting on merit, the appeal is allowed.

[6] It is directed that the appellant be released on bail on his furnishing 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 Trial Court.

[7] This order will remain operative subject to compliance of the following conditions by the appellant :

18. The appellant will comply with all the terms and conditions of the bond executed by him;

19. The appellant will cooperate in the investigation/trial, as the case may be;

20. The appellant will not indulge himself in extending inducement, threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;

21. The appellant shall not commit an offence similar to the offence of which he is accused;

22. The appellant will not seek unnecessary adjournments during the trial; and

23. The appellant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

A copy of this order be sent to the Court concerned for compliance.

C.C. as per rules.

(RAJEEV KUMAR DUBEY) JUDGE m/-

17/7/2017 Shri Guljar Rajput, learned counsel for the appellant. Shri Santosh Yadav, learned Panel Lawyer for the respondent No.1/State.

None present from the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard. This criminal appeal has been filed under Section 14-A of SC/ST (Prevention of Atrocities) Act against the order dated 7/4/2017 passed by Special Judge, SC/ST (Prevention of Atrocities) Act, Narsinghpur, in special Case No.44/2017; whereby learned Special Judge rejected the bail application filed by the appellant Kedar Rajput, under Section 439 of Cr.P.C. to get bail in Crime No.15/2016 registered at P.S. Saikheda, District Narsinghpur, M.P. for the offences punishable under Sections 376, 354, 354(B), 294, 506 of IPC and under Sections 3(1)(w)(i)(ii), 3(2)(va) and 3(2)(v), of ST/ST (Prevention of Atrocities) Act. [2] As per prosecution case, on 20/1/2017 prosecutrix lodged a report averring that on 31/12/2016 at about 2 a.m. when she was sleeping in her house situated at Village Udni P.S. Saikheda, the applicant came to her house and committed rape with her. Thereafter, on 19/1/2017 at about 2 p.m., the applicant again came to her house and abused her and also used criminal force on her to outrage her modesty. On that report, police registered Crime no.15/2017 at police station Saikheda for the offence punishable under Sections 376, 354, 354(B), 294, 506 of IPC and under Sections 3(1)(w)(i)(ii), 3(2)(va) and 3(2)(v), of ST/ST (Prevention of Atrocities) Act and investigated the matter. During investigation on 15/3/17 police arrested the applicant and after investigation charge-sheet was filed, on which Special

Case No.44/2017 was registered. During trial of the case, appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 7/4/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal. [3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. Prosecutrix was major. It is alleged that applicant committed rape with the prosecutrix on 31/12/2016 while prosecutrix lodged the report on 20/1/2017. There is no appropriate explanation regarding the delay in FIR. The applicant is in custody since 15/3/2017. Charge-sheet has been filed and conclusion of trial will take considerable time. So applicant be released on bail [4] Learned counsel for the State opposed the prayer made by the appellant.

[5] Looking to the facts and circumstances of the case and as to the fact that appellant is in custody since 15/3/2017, and that Charge-sheet has been filled and conclusion of trial will take time, without commenting on merit, the appeal is allowed. It is directed that the appellant be released on bail on his furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One lac only) with one solvent surety in the like amount to the satisfaction of Trial 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 fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

Accordingly, Cr. A. No. 2131/2017 is disposed of.

2. as per rules.

(Rajeev Kumar Dubey) JUDGE m/-

25-07-2017 Shri Manish Datt, Senior Counsel with Shri Pawan Gujjar, learned counsel for the appellant.

Shri Vijay Soni, learned Panel Lawyer for the respondent No.1/State.

Shri S.K. Gautam, learned counsel for the respondent no.2/complainant.

Complainant is present in person.

Case diary perused and arguments heard. This criminal appeal has been filed under Section 14-A(1) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 27/5/2017 passed by IInd Additional Sessions Judge for Special Judge, SC/ST (Prevention of Atrocities) Act, in Special Case No.31/2017; whereby learned Special Judge rejected the bail application filed by the appellant Raju @ Ramprakash, under Section 439 of Cr.P.C seeking bail in Crime No.341/13 registered at P.S. Amla, District Betul, (M.P.) for the offences punishable under Sections 342, 376(2) and 506 of I.P.C. and also under Sections 3 (2) (v) read with 3(1)(xii) of SC/ST (Prevention of Atrocities) Act 1989 and also under Section 34 of the Protection of Children from Sexual Offences Act, 2012. [2] As per prosecution case, on 26/9/2013 at about 8 p.m. when the prosecutrix was going to attend the call of nature near her house situated at village Jammwada, the appellant met her on the way. He caught hold of her and took her to a room built at Tejlal Sahu's farm used for fastening bulls and committed rape with her there and also threatened to kill her. At about 12 a.m. the prosecutrix's father Ramdas and mother Sugarti Bai came there and on seeing them appellant fled away. Prosecutrix narrated the incident to them. They took her to P.S. Amla, Distt. Betul where she lodged the report. On that report, police registered Crime no.341/13 for the offences punishable under Sections 342, 376(2) (Jha) and 506 of I.P.C. and also under Sections 3 (2) (v) read with 3(1)(xii) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation Police did not get the accused. So after investigation police filed the charge sheet in the absence of the appellant. On that, charge sheet, Special Case No. 31/17 was registered. Police arrested the appellant on 6/5/2017 and produced before the court. Learned Court sent him to judicial custody. On that appellant filed an application under Section 439 of Cr.P.C. seeking bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 27/5/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

[3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. Appellant is in custody since 6/5/2017, the charge sheet has been filed and conclusion of trial will take time, so appellant be released on bail.

[4] Respondent No.2 and her counsel submitted that they have no objection on appellant being granted bail. [5] Learned counsel for the State/Respondent No.1 opposed the prayer and submitted that In the marksheet the date of birth of prosecutrix is mentioned as 08/10/98 which shows that prosecutrix was only 15 years of age when the appellant committed rape with her and appellant remained absconded for a long period, So he shall not be released on bail. [6] Looking to the allegations levelled against the appellant that he committed rape of minor girl of 15 years and remained absconding for a long time after incident. Besides the possibility of tampering with the

evidence by the accused if released on bail at this stage also can not be ruled out. So in the considered opinion of this court learned trial court did not commit any mistake in rejecting the application of applicant for releasing him on bail at this stage. So his appeal is rejected with the liberty that after recording the statement of the prosecutrix, the appellant is free to again file fresh bail application.

Accordingly, Cr.A. No. 2239/2017 is disposed of. (RAJEEV KUMAR DUBEY) JUDGE m/-

24-07-2017 Shri Purshottam Soni, learned counsel for the appellant. Shri Ashutosh Tiwari, learned Panel Lawyer for the respondent No.1/State.

None present from the respondent No.2/complainant despite compliance of provision of Section 15(A)(III) of SC/ST (Prevention of Atrocities) Act by the respondent No.1.

Case diary perused and arguments heard. This criminal appeal has been filed under Section 14 (2) of SC/ST (Prevention of Atrocities) Act 1989 against the order dated 05.06.2017 passed by Special Sessions Judge, SC/ST (Prevention of Atrocities) Act, in M.Cr.C. No.453/2017; whereby learned Special Judge rejected the bail application filed by the appellant Suresh Patel, under Section 439 of Cr.P.C. to get bail in Crime No.87/2017 registered at P.S. Mohangarh, District Tikamgarh, (M.P.) for the offences punishable under Sections 363, 366 and 376 of I.P.C. and also under Sections 3 (2) (5-A) of SC/ST (Prevention of Atrocities) Act 1989.

[2] As per prosecution case, on 18.03.2017 appellant abducted the prosecutrix, who was minor at the time of incident, and took her to Orchha and from Orchha to village Kochha Bhawar, Distt. Jhansi, where he kept the prosecutrix till 28/5/2017 and committed rape. On that report, police registered Crime no.87/2017 for the offences punishable under Sections 363, 366 and 376 of I.P.C. And Sections 3 (2) (5-A) of SC/ST (Prevention of Atrocities) Act 1989 and investigated the matter. During investigation on 30.06.2017 police arrested the appellant. On that appellant filed an application under Section 439 of Cr.P.C. for releasing him on bail, which was rejected by the learned Special Judge, SC/ST (Prevention of Atrocities) Act vide order dated 5/6/2017. Being aggrieved by the impugned order, appellant filed this Criminal Appeal.

[3] Learned counsel for the appellant submitted that appellant has falsely been implicated in this matter. The prosecutrix was major and she went with the appellant on her own will and he also filed the Adhar Card of the prosecutrix in support of his application, in which her age is mentioned as 20 years. The appellant is in custody since 30.06.2017, so appellant be released on bail.

[4] Learned counsel for the State opposed the prayer made by the appellant.

[5] Looking to the facts and circumstances of the case and statement of the prosecutrix recorded by the JMFC under Section 164 of the Cr.P.C. and as to the fact that appellant is in custody since 30.06.2017, the charge sheet has been filed and conclusion of trial will take time, without commenting on merit, the appeal is allowed.

[6] It is directed that the appellant be released on bail on his furnishing 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 Trial Court.

[7] 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 fact of the case so as to dissuade him 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.

A copy of this order be sent to the Court concerned for compliance.

Accordingly, Cr.A. No. 11174/2017 is disposed of. CC as per rules.

(RAJEEV KUMAR DUBEY) JUDGE m/-