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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
CRA No. 3713 of 2022**

(LALLU @ KRISHNABHHAN Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 02-05-2022

Shri Ashish Jadon, learned counsel for appellant.

Shri Rohit Shrivastava, learned Panel Lawyer for respondents/State.

Shri Vibhor Sahu, learned counsel for complainant.

This is second criminal appeal under Section 14-A(2) of the SC/ST (Prevention of Atrocities) Act. The first appeal was dismissed as withdrawn with liberty to revive the prayer after two months vide order dated 23/02/2022 passed in Cr.A. No.1314/2022.

The appellant is in custody since 01/11/2021 in connection with Crime No.386/2021 registered at Police Station - Myana, district Guna for the offence punishable under Sections 295, 506, 34 of IPC and under Section 3(1)(T) of SC/ST (Prevention of Atrocities) Act.

As per the prosecution story, on 31/10/2021, the appellant had caused damage to statue of Baba Saheb Ambedkar in the area along with co-accused Golu @ Govind Raghuvanshi. Accordingly, the case has been registered against him.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated. Investigation is complete. Challan has been filed, as such, no further custodial interrogation is required. He has already suffered incarceration since 1/11/2021. He is a poor person. Due to his long jail incarceration, the family is on the verge of starvation. Further jail incarceration shall force him to live in the company of hardened criminals. The first appeal of the appellant was dismissed as withdrawn with liberty to revive the prayer after two months vide order dated 23/02/2022 passed in Cr.A. No.1314/2022. Moreso, similarly placed co-accused Golu @ Govind Raghuvanshi has already been extended benefit of bail by this Court vide order dated 21/01/2022 passed in Criminal Appeal No.401/2022. Therefore, prays for enlargement on bail on such terms and conditions this Court deems fit and proper.

Per contra, learned Govt.Advocate, opposes the bail application and prays for rejection of bail with submission that the appellant has hurt the sentiments of a

community of people while he allegedly had broken the statue of Baba Saheb Ambedkar. Since it is matter of community interest, if appellant is enlarged on bail, the same may have adverse effect in the society.

Shri Vibhor Sahu, learned counsel for complainant submits that due to jail incarceration of the appellant, he has been made to suffer at the hands of the brother of appellant who very often fired gunshot in the air threatening the complainant to dire consequences. The appellant has criminal antecedents of 10 cases, therefore, no exception can be taken in the matter of enlargement on bail.

Heard.

Upon hearing learned counsel for parties, though this Court refrains from commenting upon rival contentions of both the parties, but regard being had to the fact that the appellant is in custody since 01/11/2021 and no more custodial interrogation is required, this Court is of the opinion that in the obtaining facts and circumstances, the present appellant is entitled for grant of bail.

Accordingly, without expressing any opinion on merits of the case, this appeal is allowed and it is directed that the appellant be enlarged on bail subject to his furnishing personal bond in the sum of **Rs.2,50,000/(Rs. Two Lac 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 and he shall also comply with the conditions enumerated under Section 437 (3) of Criminal Procedure Code, 1973 with following further conditions:

(i) the appellant shall mark his attendance before the concerned police station on second and fourth Saturday every month between 10:00 a.m. to 12:00 noon.

(ii) the appellant shall abide by the terms and conditions of various circulars and orders issued by the Government of India and the State Government as well as the local administration from time-to-time in the matter of maintaining social distancing, physical distancing, hygiene, etc., to avoid proliferation of Novel Corona virus (COVID-19);

(iii) the concerned jail authorities are directed that before releasing the appellant, the medical examination of the appellant be conducted through the jail doctor and if it is *prima facie* found that he is having any symptoms of COVID-

19, then the consequential follow up action or any further test required, be undertaken immediately. If not, the appellant shall be released on bail in terms of the conditions imposed in this order;

(iv) on violation of conditions, State is free to apply for cancellation of bail.

(v) in future, if the appellant is found to be involved in such nature of cases or any other similar criminal cases or misuses the bail granted by this Court, this bail order shall stand cancelled automatically.

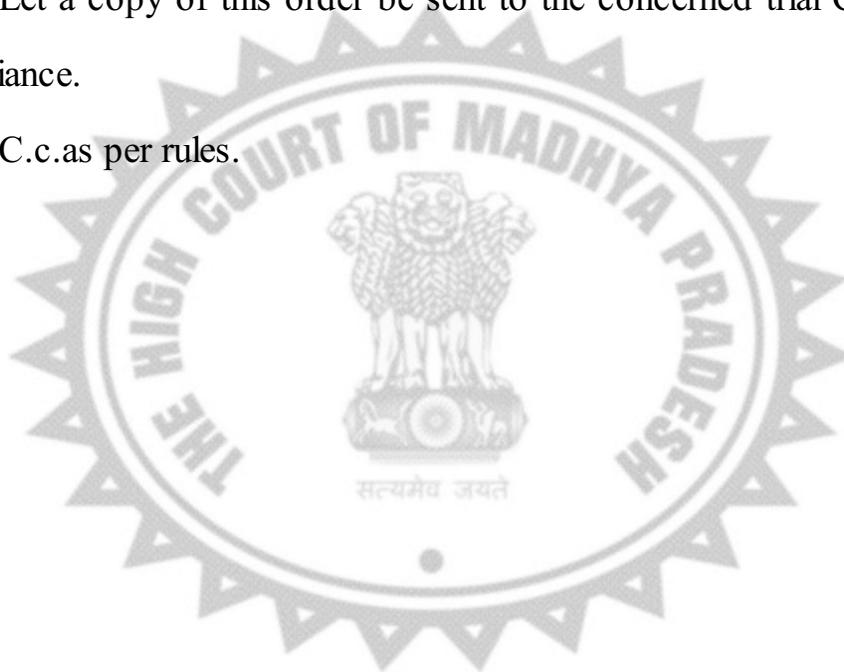
Learned Panel Lawyer is directed to send an e-copy of this order to all the concerned including the concerned Station House Officer of the Police Station for information and necessary action.

Let a copy of this order be sent to the concerned trial Court for necessary compliance.

C.c.as per rules.

(Dubey)

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DUBEY



**(ROHIT ARYA)
JUDGE**