
(2020) 09 MP CK 0205

Madhya Pradesh High Court

Case No: Criminal Appeal No. 4512 Of 2020

Prameet Patel

APPELLANT

Vs

State Of Madhya
Pradesh And Others

RESPONDENT

Date of Decision: Sept. 25, 2020

Acts Referred:

Code Of Criminal Procedure Act, 1973 " Section 438(2)#Indian Penal Code, 1860 " Section 376(n), 506#Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 " Section 14A(1)

Citation: (2020) 09 MP CK 0205

Hon'ble Judges: Anjuli Palo, J

Bench: Single Bench

Advocate: G.P. Patel, Jitendra Shrivastav

Final Decision: Allowed

Judgement

This is first appeal under Section 14-A(1) of the SC/ST (Prevention of Atrocities) Act filed by appellant seeking anticipatory bail.

The appellant is apprehending his arrest in connection with Crime No. 208/2020 registered at Police Station Mandla, District Mandla for the offences

punishable under Sections 376(2)N) and 506 of the Indian Penal Code and under the provision SC/ST (Prevention of Atrocities) Act.

It is alleged that the appellant is a Constable in the Indian Army. He made physical relationship with the prosecutrix on the pretext of marriage,

whenever he came on leave during the period 2018-2020. When the prosecutrix came to know that the appellant is a married man, having a child, she

lodged FIR against him. Later, when the prosecutrix filed documents to show that she belongs to SC/ST caste, charges under the SC/ST (Prevention of Atrocities) were added.

Learned counsel for the appellant submits that the appellant is a Constable in the Indian Army. He has been falsely implicated in the case. The

prosecutrix is aged about 35 years and married lady having one child. The FIR has been lodged two years after the first incident is alleged to have

occurred. In view of the aforesaid, prayer is made to enlarge the appellant on anticipatory bail.

In support of his contention regarding grant of anticipatory bail for offence punishable under the SC/ST (Prevention of Atrocities) Act, learned counsel

for the appellant has relied upon the judgment rendered by the Hon'ble Supreme Court in case of Prathvi Raj Chouhan vs. Union of India, (2020) 4

SCC 727.

Learned Panel Lawyer has strongly opposed the prayer for grant of anticipatory bail.

Considering the overall facts and circumstances of the case and the law laid down by the Supreme Court in the case of Prathvi Raj Chouhan (supra),

I deem it appropriate to enlarge the appellant on anticipatory bail, therefore, without commenting on the merit of the case, this appeal is allowed.

It is directed that in the event of arrest, appellant namely Prameet Patel shall be enlarged on bail on furnishing a personal bond in a sum of Rs.

50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of the Arresting officer for their regular appearance

before the Investigating Officer during the investigation or before the trial Court during trial, as the case may be.

It is directed that the appellant shall abide by the conditions enumerated under Section 438(2) of Cr.P.C. It is made clear that the appellant shall

appear before the Investigating Officer as and when he is so directed and cooperate with the investigation and he shall also appear before the trial

Court regularly, otherwise this order shall become ineffective.