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(2021) 08 MP CK 0023

Madhya Pradesh High Court (Gwalior Bench)

Case No: Criminal Appeal No. 4445 Of 2021

Angoori

APPELLANT

Vs

State Of M.P

RESPONDENT

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**Date of Decision:** Aug. 2, 2021

**Acts Referred:**

- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(2)(v), 14A(2)
- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 120B, 302
- Evidence Act, 1872 - Section 27

**Hon'ble Judges:** Vishal Mishra, J

**Bench:** Single Bench

**Advocate:** Akhlesh Kumar Gupta, Brijmohan Shrivastava

**Final Decision:** Allowed

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**Judgement**

Vishal Mishra, J

This first Criminal Appeal for grant of bail has been filed by the appellant under Section 14(A)(2) of Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989 against the order dated 8.7.2021 passed by Presiding Judge, Ananya Special Court (SC/ ST Act ) Shivpuri in

B.A. No.169/2021, whereby the Bail Application filed by the appellant under Section 439 of Cr.P.C. for grant of bail, has been rejected.

The appellant has been arrested on 19.12.2020 by Police Station Goverdhan, District Shivpuri in connection with Crime No.85/2020 registered in

relation to the offences punishable under Sections 302, 120B/34 of IPC and Section 3(2)(v) of SC/ST Act.

It is alleged that the appellant has been falsely implicated in the case. She has not committed any offence in any manner. She is in custody since

19.12.2020. Only on the basis of memo of Section 27 and considering the provisions of Section 120 B of IPC she has been roped up in the case.

The main allegation of committing the murder is against the other two co-accused namely Ajmer and Shivdayal who are already in custody. As the

charge sheet has been filed, there is no further requirement of custodial interrogation of the present appellant. As per the prosecution story, the

allegation against the present appellant is that she has conspired the murder of her husband with the help of the other co-accused. But there are no

specific allegations of causing injury or murder of the deceased, who happens to be the husband of the present appellant. She is ready to abide by all

the terms and conditions that may be imposed by this court. She is a first offender and prays for grant of bail.

Per contra, counsel appearing for the State has opposed the application stating that she was having illicit relations with other two co-accused Shivdayal

and Ajmer owing to which she has conspired the murder of her husband. But he fairly submits that the charge sheet has been filed in the month of

February, 2021 and there are no allegations against the present appellant of inflicting any injury to the deceased. The appellant being the first offender

as per the case diary records is not disputed by the State counsel.

Considering the overall facts and circumstances of the case, but without expressing opinion on merits of the case, this court deems it appropriate to

allow this appeal.

Accordingly, appeal is allowed. It is directed that the appellant shall be released on bail, subject to verification of the fact that she is the first offender,

and on furnishing a personal bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of

the concerned trial Court.

The appellant shall submit written undertaking that she will abide by all terms and conditions of the different circulars, orders as well as guidelines

issued by the Central Government, State Government as well as Local Administration for maintaining social distancing, hygiene etc to avoid Novel

Corona Virus (COVID -19) pandemic and she will have to install Arogya Setu App, if not already installed.

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 her;
2. The appellant will cooperate in the investigation/trial, as the case may be;
3. The appellant will not indulge herself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to  
dissuade her 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 she 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.
7. The appellant will inform the concerned S.H.O. of concerned Police Station about her residential address in the said area and it would be the duty

of the State counsel to send E-copy of this order to SHO of concerned police station as well as concerned who shall inform the concerned SHO

regarding the same.

Appeal stands allowed and stands disposed of.

E-copy of this order be provided to the appellant and E-copy of this order be sent to the trial Court concerned for compliance. It is made clear that E-

copy of this order shall be treated as certified copy for practical purposes in respect of this order.