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CRA-13510-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ACHAL KUMAR PALIWAL

ON THE 30th OF DECEMBER, 2024CRIMINAL APPEAL No. 13510 of 2024*SWAPNIL JAISWAL**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Manish Datt - Senior Advocate with Shri Prateek Tiwari -
Advocate for appellant.

Shri Santosh Yadav- G.A. for the respondent No.1/State.

Shri Aman Soni - Advocate for the respondent No.2/objector.
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ORDER

This is first Criminal Appeal under section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, for grant of bail filed on behalf of the appellant against the order dated 30.11.2024 passed in B.A. No.1060/2024.

2. The appellant has been arrested in connection with Crime No.170/2024 registered at Police Station-Mahila Thana Betul, District Betul (M.P.), for the offences punishable under Section 69 of Bhartiya Nyay Sanhita, 2023 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Appellant is in jail since 18.11.2024.

3. Prosecution story in brief is that appellant repeatedly established physical relation with prosecutrix, aged about 31 years, on false pretext of



marriage.

4. Learned Senior Counsel for the appellant submits that in the instant case, prosecutrix is a married lady aged 31 years and number of disputes are going on between prosecutrix and her husband, including case under Section 125 Cr.P.C. It is also urged that incident is said to have occurred from 09.07.2024 to 25.08.2024 and FIR has been lodged on 13.09.2024. This delay in lodging FIR has not been explained. It is also urged that appellant as well as prosecutrix were in relation since last one year and they got acquainted with each other through Facebook. It is also urged that legally prosecutrix's marriage with her husband has not been dissolved till today by any competent Court. It is also urged that earlier also prosecutrix made similar allegation against one Pawan & on account of that Pawan committed suicide & in relation thereto, offence under Section 306/34 IPC at Crime No. 475/2022 was registered against prosecutrix and her father. It is also urged that appellant is in jail since 18.11.2024. After investigation, charge-sheet has been filed. No custodial investigation is required. Therefore, appellant be released on bail.

5. Learned counsel for the State submits that appellant is not entitled to be released on bail.

6. Learned counsel for the objector also submits that appellant has criminal antecedents pertaining to offence under Section 3/7 of Essential Commodities Act as well as Section 34(2) M.P. Excise Act. Looking to nature of allegations, appeal be dismissed.

7. Heard learned counsel for the parties & perused record of the case.



8. Having regard to nature of allegation as well as nature of evidence available on record, without commenting on the merits of the case, this appeal is **allowed**.

9. It is directed that **appellant** be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- (**Rupees Twenty Five 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 with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 480(3) of Bharatiya Nagarik Suraksha Sanhita, 2023.

10. 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.

11. Certified copy as per rules.

(ACHAL KUMAR PALIWAL)
V. JUDGE