

(2022) 02 MP CK 0062

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.6349 Of 2022

Abhishek Tiwari And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 08-02-2022

Acts Referred:

Madhya Pradesh Minerals (Prevention Of Illegal Mining Transportation And Storage) Rules, 2006 — Rule 18(1)
Code Of Criminal Procedure, 1973 — Section 438
Indian Penal Code, 1860 — Section 379, 414
Mines And Minerals (Development And Regulation) Act, 1957 — Section 4, 21
Code Of Criminal Procedure, 1973 — Section 41A

Citation : (2022) 02 MP CK 0062

Hon'ble Judges : Vivek Agarwal, J

Bench : Single Bench

Advocate : Anoop Kumar Saxena, Yogendra Das Yadav

Judgement

Vivek Agarwal, J

This is first application under Section 438 of the Cr.P.C. for grant of anticipatory bail who is apprehending his arrest in connection with case Crime

No.9/2022 registered at Police Station City Kotwali, District Chhatarpur (M.P.) for offence punishable under Sections 379 and 414 of I.P.C., under

Sections 4 and 21 of Mines and Minerals (Development and Regulation) Act, 1957 & under Rule 18(1) of M.P. Minerals (Prevention of Illegal

Mining, Transportation and Storage) Rules, 2006.

This application has been filed seeking anticipatory bail and learned counsel for the applicant has placed reliance on orders of Co-ordinate Benches in

M.Cr.C. No.63109/2021 and M.Cr.C. No.63104/2021.

Learned counsel for the applicant submits that he had appeared in compliance of

the notice under Section 41-A of Cr.P.C. but Shri Yogendra Das

Yadav, learned Government Advocate disputes this proposition and submits that applicant had not appeared in front of the I.O. in compliance of the

notice under Section 41-A of Cr.P.C.

Taking into consideration a fact that applicant had not appeared before the I.O. in compliance of the notice under Section 41-A and also taking into

consideration the law laid down by the Supreme Court in case of State of M.P. Vs. Pradeep Sharma (2014) 2 SCC 171 , I am of the opinion that this

is not a fit case to enlarge the applicant on bail merely because the offence has been compounded by depositing the fine, provisions of mines and

minerals act but not for offence under Sections 379 and 414 of IPC.

Applicant may appear before the trial Court and apply for regular bail which trial Court shall decide, keeping in mind the ratio of law laid down in the

case of Arnesh Kumar versus State of Bihar & Another (2014) 8 SCC 273 and Satender Kumar Antil Vs. Central Bureau of Investigation and

Others in Special Leave to Appeal (Criminal) No.5191/2021 decided on 7.10.2021.