

(2022) 06 MP CK 0022

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 25125 Of 2022

Akhilesh Sharma And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 15-06-2022

Acts Referred:

Indian Penal Code, 1860 — Section 34, 294, 353, 392, 395, 506

Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981 — Section 11, 13

Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 06 MP CK 0022

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Anand Purohit, N.S. Tomar

Final Decision : Allowed

Judgement

Sunita Yadav, J

The applicants have filed this first application u/S. 439 of Cr.P.C. for grant of bail.

The applicants have been arrested by police station Tendua, District Shivpuri in Connection with Crime No.63/2022 registered for the offence punishable under Sections 353, 294, 506, 392, 395 and 34 of IPC and Sections 11, 13 of MPDVPK Act.

Prosecution story in brief is that on 05/5/2022, a written complaint was filed by the forest officials posted at Shivpuri at Police Station Tendua, District Shivpuri alleging that on 29/4/2022 at about 07:00 am, the applicants snatched away the tractor-trolley filled with stones from the custody of the concerned forest officials. The applicants also misbehaved and abused the concerned officials and applied criminal force to deter the officials, who are public servants, in discharging their duties.

Learned counsel for the applicants argued that the applicants are innocent and

have been falsely implicated. He has further argued that allegedly the incident occurred on 29/4/2022 at about 07:00 am whereas the FIR was lodged on 05/5/2022 at 12:45 pm and the delay in lodging the FIR has not been explained by the forest officials as the police station is only 6 km away from the place of incident. On these grounds, he prays for grant of bail to the applicant.

On the other hand, learned counsel for the State opposed the bail application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

In view of the facts and circumstances of the case, without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicants be released on bail on each of them furnishing a personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) with two solvent sureties of the like amount to the satisfaction of the trial Court/committal Court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

- 1) The applicants will comply with all the terms and conditions of the bond executed by them;
- 2) The applicants will cooperate in the investigation/trial, as the case may be;
- 3) The applicants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicants shall not commit same nature of offence or any other offence during pendency of the trial, failing which, this bail order shall stand cancelled automatically without further reference to the Court.
- 5) The applicants will not seek unnecessary adjournments during the trial; and
- 6) The applicants will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

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

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.