
(2023) 01 MP CK 0104

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.4006, 4091, 4334, 4359, 4369 Of 2023

Amar Tiwari And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 25-01-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)

Indian Penal Code, 1860 — Section 120(B), 409, 420, 467, 468, 471, 477(A)

Citation : (2023) 01 MP CK 0104

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Varsha Parashar, Hitendra Tripathi, Vinay Saraf, Rizwan Khan, Jitendra Bajpai, Ashish Gupta, Rohit Upadhyaya

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This order shall govern the disposal of all the five anticipatory bail applications as they have arisen out of the same crime number.

They are heard. Perused the case diary / challan papers.

These are applicants' FIRST applications under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail, as the present applicants are apprehending their arrest in connection with Crime No.554/2022 registered at Police Station MG Road, Indore District Indore (MP) for offence punishable under Sections 420, 409, 467, 468, 471, 477 (A) and 120-B of the Indian Penal Code, 1860.

The allegation against the applicants is that they happen to be Bill Collectors in Indore Municipal Corporation, Indore and it is alleged that in the National Lok Adalat, which took place in the District Court on 12.11.2022, the applicants and other accused persons extended undue benefit to the property holders in respect

of property tax.

Learned counsels for the applicants have submitted that there is no allegation against the applicants that they in any way got benefited with the aforesaid discount given to the property holders and there is no allegation against them by any of the property holders that they obtained any gratification for extending the benefit of discount.

Counsels have submitted that the only irregularity if committed by the applicants is that they gave rebate on the entire amount of tax, in stead of surcharge only.

Counsels have also submitted that even otherwise, the applicants are ready to cooperate with the investigation and no purpose would be served in sending the applicants behind the bar; and thus, the custodial interrogation of the applicants is not necessary. Thus, it is submitted that the applicants be released on anticipatory bail.

Counsel for the respondent / State, on the other hand, has opposed the p rayer. However, it is not denied that there is no allegation against the applicants that they personally got benefited with the aforesaid act.

Having heard counsel for the parties and on perusal of the case diary, this Court finds force with the contentions raised by the counsel for the applicants; and also finds it expedient to allow the present anticipatory bail applications, as the custodial interrogation of the applicants does not appear necessary.

Accordingly, all the applications stand allowed. It is directed that in the event of arrest, applicants Amar Tiwari, Ankit Pal, Ramesh, Jagrati and Ashok Patil shall be released on bail, upon executing a personal bond in the sum of Rs.25,000/- (rupees twenty five thousand only) each and furnishing separate solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer).

The applicants shall make themselves available for interrogation by a Police Officer, as and when required. They shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

Accordingly, Miscellaneous Criminal Case Nos.4091, 4006, 4334, 4359 and 4369 of 2023 stand allowed.

Certified copy as per rules.