

(2020) 10 MP CK 0246

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 34193 Of 2020

Anil Rai

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 23-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Wild Life Protection Act, 1972 — Section 2(15), 2(16)(c)
Madhya Pradesh Van Upaj (Vyapar Viniyaman) Adhiniyam, 1969 — Section 5(1),
5(15), 26(chha)

Citation : (2020) 10 MP CK 0246

Hon'ble Judges : Vishnu Pratap Singh Chauhan, J

Bench : Single Bench

Advocate : Anurag Sahu, S.S. Parihar

Final Decision : Dismissed

Judgement

Vishnu Pratap Singh Chauhan, J

Heard on this first pre-arrest application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on behalf of applicant.

The applicant is apprehending his arrest in connection with Forest Crime No.57/2011 registered at Police Station-Upvan Mandal Adhikari, Sahpur Uttar, Betul, District Betul for commission of offence punishable under Sections 2(15), 16(c) of Vanya Prani Sanrakshan Ahiniyam, Section 26(chha) 5(1), (15) of M.P. Vanopaj Vyapar Vinimay Adhiniyam.

The facts of the case, in short, is that, forest officer seized a mini truck. On searching, some logs of teak-wood were found, which were illegally kept in hidden condition in the truck and were being taken to the Saw-mill of the applicant. The forest officer seized the logs and started investigation. The applicant was issued with a notice but the applicant did not attend the office of the Forest officer for explaining anything about the logs. When forest officer went

to the saw-mill of the applicant, the applicant avoided to appear before the Forest Officer. Thereafter, the forest officer filed a complaint, showing the applicant to be absconding. Learned trial Court repeatedly issued warrants against the applicant for securing his appearance before that Court but the applicant did not appear before the Court.

Learned counsel for the applicant submits that the applicant is running a saw-mill and he is not involved in the theft of teak-wood logs. He has falsely been implicated in this case by the forest officer. The forest officer has timely inspected the saw-mill of the applicant and found everything to be correct in the saw-mill. The applicant has falsely been implicated in the case on the basis of information furnished by the co-accused, therefore, it is prayed to grant benefit of anticipatory bail to the applicant.

On the other hand, learned Panel Lawyer for the respondent/State opposes the bail application and submits that the applicant is still absconding and even after repeated efforts made by the forest officer and police, he could not be arrested, therefore, benefit of anticipatory bail may not be given to the applicant.

Having heard learned counsel for the parties and on a perusal the case diary, it is reflected that charge-sheet has been filed on 10.07.2019 by showing the applicant abscond. Since then the applicant could not be arrested. Learned Court issued an arrest warrant against the applicant for securing his appearance but he remained absconded. In these circumstances, this Court does not find it a fit case in which benefit of anticipatory bail may be extended to the applicant.

Consequently, this first application for anticipatory bail under Section 438 of the Code of Criminal Procedure, filed on behalf of applicant is hereby dismissed.