
(2020) 12 MP CK 0140

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.39319 Of 2020

Brajesh Singh @ Pankaj

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 16-12-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 173(8), 438, 438(2)
Indian Penal Code, 1860 — Section 120B, 419, 420, 467, 468, 471

Citation : (2020) 12 MP CK 0140

Hon'ble Judges : Mohd. Fahim Anwar, J

Bench : Single Bench

Advocate : Sankalp Kochar, Ashish Kurmi

Final Decision : Allowed

Judgement

Mohd. Fahim Anwar, J

Heard on this first application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on behalf of applicant, who is

apprehending his arrest in connection with Crime No.182/2019, registered at Police Station Chachai, District Anuppur for commission of offence

punishable under Sections 419, 420, 467, 468, 471 and 120-B of IPC.

The allegation against the applicant is that, when the applicant was Upsurpanch of Gram Panchayat Devhara, Janpad Panchayat Jaithari District

Anuppur, he was instrumental in issuing the certificates on the basis of wrong information regarding caste of Amlendu Giri, Rama Giri, Madhu Giri and

other co-accused persons. On the basis of such certificate the aforesaid persons availed the benefit of different Government schemes. On that basis

above mentioned crime has been registered against the applicant and other co-accused persons.

Learned counsel for the applicant submitted that the applicant has not committed any offence and has falsely been implicated in the crime. It is also

submitted that a preliminary enquiry was conducted and a report vide letter No.Kra.Tha.1606/19, dated 25.11.2019 was submitted by the Station

House Officer, Police Station Chachai, District Anuppur in which the involvement of the applicant was not found in any way and he was clearly

exonerated but later on, it has come to the knowledge of the applicant that the Police has started an enquiry under Section 173 (8) of the Code of

Criminal Procedure; hence, he is having an apprehension that he will be wrongly prosecuted in the said crime. It is further submitted that the applicant

is a permanent resident of the address described in the application. He is ready to furnish adequate surety and shall abide by all terms and conditions

imposed upon him. There is no chance of his absconding or tampering with the evidence. In view of the aforesaid, a prayer has been made to enlarge

the applicant on anticipatory bail.

Learned Panel Lawyer for the respondent/State on the other hand has opposed the anticipatory bail application.

Keeping in view the facts and circumstances of the case in their entirety, particularly the fact as pointed out by the learned counsel for the applicant

and the allegation made against the applicant, in the opinion of this Court, applicant deserves the benefit of anticipatory bail.

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

It is directed that in the event of his arrest, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs.30,000/- and a

solvent surety in the like amount to the satisfaction of the Arresting Officer for his appearance before the trial Court on all dates and for complying

with the conditions enumerated in sub-section (2) of Section 438 of the Code of Criminal Procedure.

Certified copy as per rules.