
(2020) 11 MP CK 0020

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 40705 Of 2020

Hemendra Patle And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 03-11-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 34, 409, 420, 467, 468, 471

Citation : (2020) 11 MP CK 0020

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : V.D.S Chauhan, Pradeep Gupta

Final Decision : Dismissed

Judgement

J. P. Gupta, J

This is first bail application filed by the applicants/accused under Section 438 of Cr.P.C for grant of anticipatory bail, who are apprehending their arrest in connection with Crime No.106/2017 registered at Police Station-Singhpur Distict Shahdol (MP) for offences punishable under Sections 409, 420, 467, 468, 471/34 of IPC.

Allegation against the applicants are that they being Sub Engineer have falsely certified status of the construction on the basis of which public money was withdrawn and paid.

Learned counsel for the applicant submits that the applicants are innocent and the excess amount have been deposited in the case, therefore now there is no defalcation of the money and there is no need to arrest them. On the aforesaid grounds, learned counsel for the applicant has prayed that the applicant/accused be released on anticipatory bail

Learned PL opposing the submissions made on behalf of the applicants and

submitted that being a public servant, the applicants have committed serious offence as they have falsely certified the status of the construction and such person are not entitled to get benefit of anticipatory bail.

Having considered the contentions of learned counsel for the parties and perusal of the record, in view of this Court this is not a fit case to grant anticipatory bail to the applicants. Hence this anticipatory bail application is rejected.