
(2021) 06 MP CK 0009

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.21288 Of 2021

Jageshwar Pathak

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 03-06-2021

Acts Referred:

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

Indian Penal Code, 1860 — Section 294, 353, 506

Madhya Pradesh Chikitsa Adhiniyam, 2008 — Section 3, 4

Citation : (2021) 06 MP CK 0009

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Y.K. Gupta, Ranjana Agnihotri

Final Decision : Allowed

Judgement

Anjuli Palo, J

This is first bail application under Section 438 of the Cr.P.C. filed by the applicant who is apprehending his arrest in connection with Crime

No.145/2021 registered at Police Station Batiyagarh, District Damoh for offence punishable under Sections 294, 506 & 353 of the Indian Penal Code

and Section 3/4 of the M.P. Chikitsa Adhiniyam, 2008.

Main allegation against the applicant is that in front of number of persons in hospital premises, the applicant has abused the complainant, wherein

applicant alongwith her daughter-in-law came for her treatment. In this regard, applicant has filed Annexure A/3 to show that doctor has given

treatment to his daughter-in-law. Thereafter, FIR has been lodged against the applicant for the aforesaid offences.

Learned counsel for the applicant submits that he has been falsely implicated in

the case. FIR has been lodged after a delay of three days. The applicant is ready to cooperate with the investigation and trial. In view of the aforesaid, prayer is made to enlarge the applicant on anticipatory bail.

Learned Government Advocate for the State has opposed the prayer for anticipatory bail and submitted that nine cases were registered against the applicant.

After perusal the record, it is found that although nine cases have been registered against the applicant, but all the cases pertain to period prior to year 2011, therefore, looking to the facts and circumstances of the case, I deem it appropriate to enlarge the applicant on anticipatory bail, hence, without commenting on the merit of the case, the application is allowed.

It is directed that in the event of arrest of the applicant-Jageshwar Pathak by the Police in the aforesaid crime, he shall be released on bail on

furnishing a personal bond in the sum of Rs. 40,000/- (Rupees Forty Thousand Only) with a solvent surety in the like amount to the satisfaction of the

Arresting officer (Investigating Officer) for his regular appearance before the Police during the investigation or before the Court during trial. It is

directed that the applicant shall abide by the conditions enumerated under Section 438(2) of Cr.P.C. It is made clear that the applicant shall appear

before the Investigating Officer as and when he is so directed and cooperate with the investigation and shall also appear before the trial Court, failing

which this bail order shall automatically stand cancelled without further reference to the Court.

Accordingly, the M.Cr.C. stands allowed and disposed of.