

(2022) 05 MP CK 0006

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.20865 Of 2022

Mahendra Pratap Singh Bhadouria

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 04-05-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 34, 420

Citation : (2022) 05 MP CK 0006

Hon'ble Judges : Rajeev Kumar Shrivastava, J

Bench : Single Bench

Advocate : D.S. Tomar, Ravindra Singh Kushwah

Final Decision : Disposed Of

Judgement

Rajeev Kumar Shrivastava, J

The applicant has filed this first application under Section 438 of Cr.P.C. for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.145/2022 registered at Police Station Maharajpura, District Gwalior (M.P.) in relation to the offence punishable under Sections 420 and 34 of the IPC.

It is submitted by learned counsel for the applicant- Mahendra Pratap Singh Bhadouria that the applicant has not committed any offence. He has falsely been implicated in this case. Applicant is aged around 77 years. He has executed one power of attorney in the name of Virendra Singh Sikarwar to sale out the plot in the year 2012. Thereafter, continuously the complainant of this case was in possession of said plot and in the year 2022, false FIR has been lodged. There is no overt act on the part of the present applicant. It is also submitted that there was no any earlier complaint was made against the applicant with regard to commission of offence under Section 420 of IPC. Trial will take its own time. Hence, considering the aforesaid facts of the case along with age of the

applicant, learned counsel prays for grant of anticipatory bail to the applicant.

Learned State counsel has vehemently opposed the submissions and has submitted that the offence is registered against the applicant under Sections 420 and 34 of the IPC, wherein applicant has sold out the land which neither in his possession nor in existence. Hence, prayed to reject the anticipatory bail application of the applicant.

Heard learned counsel for the parties at length and perused the case diary as well as documents available on record.

Considering the arguments advanced by learned counsel for the parties along with the fact that the applicant is aged around 77 years, without commenting on merits of the case, the application is allowed. It is hereby directed that in the event of arrest, the applicant shall be released on anticipatory bail on his furnishing a personal bond of Rs.1,00,000/- (Rupees One Lac Only) with one solvent surety in the like amount to the satisfaction of the Arresting Officer/ Investigating Officer.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant shall make himself available for interrogation by a police officer as and when required. He shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of trial Court/ Investigating Officer, as the case may be.

This anticipatory bail application stands disposed of in above terms.

Let a copy of this order be sent to the Court concerned for information.

Certified copy as per rules/directions.