

(2020) 10 MP CK 0091

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 37749 Of 2020

Pappu S/O Rajan Banchada

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 161, 438

Indian Penal Code, 1860 — Section 120B, 380, 457

Evidence Act, 1872. — Section 27

Citation : (2020) 10 MP CK 0091

Hon'ble Judges : S.K. Awasthi, J

Bench : Single Bench

Advocate : Neelesh Agrawal, Sameer Verma

Final Decision : Dismissed

Judgement

S.K. Awasthi, J

This first application under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail has been filed by the applicant, who is apprehending his / her arrest in connection with Crime No.26/2019 registered at Police Station Rampura, District Neemuch (MP) for offence punishable under Sections 457, 380 and 120-B of the Indian Penal Code, 1860.

As per prosecution case, on 28.01.2019, complainant Ali Asgar Bohra reported that, he is Manager of Bohra Samaj, Baba Mulla Khan Sahab Dargah and early in morning at around 04:30 AM, his assistant Mustufa informed him that some one has stolen their Box of Donation. Thereafter, they found said Box behind Dargah. They Both saw CCTV recording where they found two boys (co-accused) entering into the Dargah and tried to break the said box and when they failed, then they took the box and ran away. After investigation of the matter, a case has been registered against the applicant for the alleged offence.

Learned counsel for the applicant has submitted that the applicant is neither

named in the FIR nor in the statement of complainant and other prosecution witnesses recorded under Section 161 of the Code of Criminal Procedure, 1973. He has been implicated in the present crime only on the basis of disclosure statement of Pintu s/o Rajan Banchada recorded under Section 27 of the Indian Evidence Act, 1872. Nothing has to be seized from the applicant. There is no possibility of his / her absconsion or tampering with the evidence, if enlarged on anticipatory bail. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned Panel Lawyer for the non-applicant / State of Madhya Pradesh opposes the bail application by contending that after the incident, the applicant has absconded and he is required for further interrogation. Hence, he prays for rejection of the anticipatory bail application.

After considering the facts and circumstances of the case and the arguments of the learned counsel for the parties, this Court is of the view that brother of the applicant Pintu @ Sameer disclosed before the Police, that he handed over an amount of Rs.1,00,000/- out of the total stolen amount to the present applicant. The applicant is required for recovery of the said amount, therefore, his custodial interrogation is necessary. Looking to the aforesaid, no case is made out for grant of anticipatory bail to the applicant.

Accordingly, Miscellaneous Criminal Case No.37749/2020 has no merits and is hereby dismissed.