
(2012) 08 MP CK 0269
In the Madhya Pradesh High Court
Case No : M.Cr.C. No. 9016 of 2012

Pranav Soni

APPELLANT

Vs

The State of Madhya Pradesh and Bhagwan Singh

RESPONDENT

Date of Decision : 14-08-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 200, 202, 438
Penal Code, 1860 (IPC) — Section 120B, 420, 467, 468, 471

Citation : (2012) 08 MP CK 0269

Hon'ble Judges : G.S. Solanki, J

Bench : Single Bench

Advocate : Arun Nema, for the Appellant; Akhilendra Kumar Singh, GA for the State and Shri Madan Singh, Advocate for the objector, for the Respondent

Judgement

G.S. Solanki, Judge

1. Heard the learned counsel for the parties finally. Since respondent No.2, Bhagwan Singh is represented by his counsel, therefore, there is no need to issue notice to him.
2. The applicant is apprehending his arrest in connection with Complaint Case No.6257/2012 pending before Judicial Magistrate First Class, Jabalpur for the offences punishable under Sections 420, 467, 468, 471 and 120B of IPC.
3. Learned counsel for the applicant submits that the applicant is a reputed citizen of the locality, who has no criminal past alleged against him. This case is registered on the basis of private complaint filed by respondent No.2 Bhagwan Singh. Learned Magistrate after recording the evidence of respondent/complainant Bhagwan Singh u/s 200 and 202 of Cr.P.C., took cognizance against the applicant under Sections 420, 467, 468, 471 and 120B of IPC and issued a warrant of arrest against the applicant. Learned counsel further submits that one civil suit is also pending between the parties. He also submits that applicant is ready to surrender before the trial Magistrate and is also ready to cooperate in

the further investigation and trial.

4. Learned counsel for the State has formal objection.

5. Learned counsel for the objector opposes the application and submits that the applicant committed fraud with the complainant, therefore, he prays for dismissal of the application.

6. On due consideration of the contentions raised by the counsel for the parties, the facts and circumstances of the case which arose from the private complaint and a civil suit is also pending in regard to disputed property between the parties, I am of the view that it is a fit case for giving a direction that if the applicant is arrested by police and produced before the concerned Magistrate then he shall be released on bail on his furnishing a personal bond in the sum of Rs.30,000/-(Rupees thirty thousand only) with a solvent surety of the like amount to the satisfaction of the Magistrate.

7. 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.

8. In view of the ratio laid down by the Hon"ble Apex Court in the case of Siddharam Satlingappa Mhetre Vs. State of Maharashtra and Others, , it is directed that this order shall remain in force till the end of the trial, if the applicant furnishes the bail bond and surety bond before the Court below at the time of filing of challan as per the terms and conditions as mentioned above.

9. However, it is made clear that due to non-appearance of the applicant(s) if the concerned Court issues a warrant of arrest in future, against the applicant(s), then in such event this order be deemed ineffective relating to that applicant(s).

10. The petition is finally disposed of. Certified copy as per rules.