
(2020) 10 MP CK 0187

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 40081 Of 2020

Rajaram

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 19-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438
Madhya Pradesh Excise Act, 1915 — Section 34(2)

Citation : (2020) 10 MP CK 0187

Hon'ble Judges : Vishnu Pratap Singh Chauhan, J

Bench : Single Bench

Advocate : Anoop Kumar Saxena, Bhaskar Pandey

Final Decision : Dismissed

Judgement

Vishnu Pratap Singh Chauhan, J

Heard on this first prearrest application for grant of anticipatory bail under Section 438 of the Code of Criminal Procedure filed on behalf of applicant Rajaram.

The applicant is apprehending his arrest in connection with Crime No.57/2016 registered at Police Station Sarbai, District-Chhatarpur for commission of offences punishable under Section 34(2) of Excise Act.

The case of the prosecution against the applicant, in short, is that applicant along with other co-accused person was carrying huge amount of liquor illegally. The police after receiving the tip-off, intercepted the vehicle. The applicant along with other co-accused fled from the spot. One of co-accused was arrested on spot along with liquor. The police after several efforts could not apprehend the applicant, therefore, charge-sheet has been filed against the co-accused showing the applicant abscond.

Learned counsel for the the applicant submits that the police came back at police

station and recorded all the proceedings in Roznamcha Sanha. The name of the applicant is not mentioned in Roznamcha Sanha. He has falsely been implicated in this case, therefore, it has been prayed that applicant be released on anticipatory bail.

Learned Panel Lawyer for the respondent/State, on the other hand, has opposed the application and submits that the applicant fled from the spot. The police after several efforts could not arrest him. A reward was declared for arresting the applicant. Despite, the police could not arrest the applicant. The applicant is absconded person, therefore, he prays for dismissal of this. Consequently, application under Section 438 of the Cr.P.C. filed by applicant is hereby dismissed.