

(2022) 11 MP CK 0079

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 55670 Of 2022

Rampratap Kacher And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 24-11-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 365, 367

Citation : (2022) 11 MP CK 0079

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : R.N. Singh, Alok Agnihotri

Final Decision : Allowed

Judgement

Sanjay Dwivedi, J

This is the first application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

The applicants are apprehending their arrest in Crime No.695/2022 registered at Police Station Barhi, District Katni, for the offence punishable under Sections 294, 323, 365, 367, 506, 146 and 147 of the Indian Penal Code.

Learned Senior Advocate submits that a false case has been registered against the applicants as their names were not there in the FIR, but later on, on the basis of statement of injured person, their names have been added. He submits that at the initial stage, the offence under Sections 365 and 367 of the IPC was not, but the same got registered subsequently. He submits that because of some previous enmity between the parties as both the parties are related to mining field, the alleged offence has been registered against the applicants. He submits that facing the similar allegation, the main accused has also been granted the benefit of anticipatory bail. Therefore, he prays that considering the aforesaid facts and circumstances of the case and to maintain parity, the applicants may

also be granted the benefit of anticipatory bail.

On the other hand, learned Deputy Government Advocate has opposed the prayer of bail and submitted that though initially it was alleged that only four persons had involved in the alleged offence, but later on, when the injured person in his statement had disclosed the names of present applicants only then their names have been added in the FIR. He has submitted that looking to the nature of dispute, the applicants are not entitled to get the protection of anticipatory bail.

Considering the arguments advanced by learned counsel for the parties, perusal of case diary and the fact that initially names of four persons have been shown in the FIR to be involved in the crime and at that time, the names of present applicants were not there and added subsequently, I am inclined to grant them the benefit of anticipatory bail. Therefore, without commenting anything on the merits of the case, this application is allowed.

It is directed that in the event of arrest, the applicants be released on bail upon their furnishing a bail bond in the sum of Rs.1,00,000/- (Rupees One Lac) each with one solvent surety each of the like amount to the satisfaction of the Station House Officer/Arresting Officer of the Police Station concerned.

The applicants shall abide by the conditions enumerated under Section 438 (2) of the Code of Criminal Procedure.

Certified Copy as per rules.