

(2021) 06 MP CK 0110

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.21948 Of 2021

Shankar S/O Lalu Choudhary

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 15-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 438, 438(2)
Indian Penal Code, 1860 — Section 420, 467, 468, 471
Madhya Pradesh Municipalities Act, 1961 — Section 339
Madhya Pradesh Land Revenue Code, 1959 — Section 59, 172

Citation : (2021) 06 MP CK 0110

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Vivek Singh, Kushagra Jain

Final Decision : Partly Allowed

Judgement

Subodh Abhyankar, J

This is applicant's first application under Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail, as the present applicant is

apprehending his / her arrest in connection with Crime No.194/2021 registered at Police Station Barwani, District Barwani (MP) for offence

punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860, under Section 339 of Madhya Pradesh Municipalities Act, 1961 and

also under Sections 59 and 172 of Madhya Pradesh Land Revenue Code, 1959.

Counsel for the applicant has submitted that the applicant has already deposited a sum of Rs.10 Lakh in the name of Collector, Barwani. Counsel has

further submitted that in a similar case arising out of the identical facts in Crime No.89/2021 registered at Police Station Pachore, District Rajgarh

(MP), this Court has already granted anticipatory bail to the applicant on certain terms and conditions vide order dated 11.06.2021 in M.Cr.C.

No.26968/2021 and the applicant is ready to abide by the aforesaid terms and conditions in the present case as well if this Court pleases to pass the

similar order. It is further submitted that the amount so deposited by the applicant be adjusted towards all the dues payable by the applicant to the

Nagar Parishad, Barwani and the remaining amount if any be returned to him. Thus, it is submitted that the application be allowed and he be released

on anticipatory bail.

Counsel for the respondent / State has submitted that the aforesaid order has been passed in an identical manner.

Heard counsel for the parties and perused the documents filed by the parties as also the order dated 11.06.2021 passed by this Court in M.Cr.C.

No.26968/2021.

On due consideration of the rival submissions and perusal of the case diary as also the aforesaid order, this Court finds that the offence is triable by

the Magistrate and the case of the applicant is identical to that of other case wherein also against the applicant, similar allegations have been levelled

and the applicant was directed to be released on anticipatory bail vide order dated 11.06.2021 in M.Cr.C. No.26968/2021.

Accordingly, considering the facts and circumstances of the present case, the arguments advanced by the counsel for the applicant and looking to the

pandemic, without commenting on the merit of the case, the application is partly allowed with conditions. It is directed that in the event of arrest of the

applicant in connection with the aforesaid crime number, he shall be released on bail temporarily for a period of one year from the date of his release

on his furnishing personal bond in the sum of Rs.40,000/- (Forty Thousand) with one surety in the like amount to the satisfaction of the arresting

officer for his surrender before the trial Court after one year from the date of his release. During this one year bail period, the applicant shall submit

appropriate applications for obtaining permission for development works and diversion and submit a report before the trial Court. If the applicant

satisfies this Court that he had made efforts for development of the land and diversion during the one year bail period, this court may consider for

grant of regular bail after one year.

It is further directed that out of the amount of Rs.10 Lakhs (subject to verification) which has already been deposited by the applicant, after adjusting the requisite amount, if any additional amount is credited in the applicant's account, the same may be returned to him.

The applicant shall also appear before the trial Court during the bail period and shall also abide by the conditions enumerated under section 437(3)

Cr.P.C.

The applicant shall make himself / herself available for interrogation by a Police Officer, as and when required. He / she shall further abide by the

other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

It is also observed that after his / her release on bail, if the applicant is found in any criminal activities, the present bail order shall stand automatically

cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

Accordingly, Miscellaneous Criminal Case No.21948/2021 stands partly allowed.

Certified copy as per rules.