

(2022) 01 MP CK 0147

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.4479 Of 2022

Shravan Kumar Chouhan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 27-01-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 34, 294, 307, 323, 506

Citation : (2022) 01 MP CK 0147

Hon'ble Judges : Vivek Agarwal, J

Bench : Single Bench

Advocate : Kapil Sharma, Shravan Kumar Chouhan, Kishor Singh Chouhan,
Dinesh Prasad Patel

Final Decision : Allowed

Judgement

Vivek Agarwal, J

This is first application under Section 438 of the Cr.P.C. for grant of anticipatory bail who is apprehending his arrest in connection with case Crime

No.361/2021 registered at Police Station Badi, District Raisen (M.P.) for offences punishable under Sections 307, 323, 294 and 506/34 of I.P.C.

Learned counsel for the applicant submits that applicant is aged about 79 years as is reflected from his Election ID Card in which year of birth is

shown as 1943.

It is submitted that main accused is Mahendra Singh Chouhan who is son of the present applicant, against whom there are allegations of causing

injuries on the head of Shalabh Shrivastava whereas applicant has been falsely implicated with a view to implicate all the male members of the family.

It is submitted that looking to the age of the present applicant it is not possible

to cause such kind of flows as have been attributed to him.

It is further submitted that in fact a land dispute has been converted into a criminal case with a view to extract advantage. In fact, wife of the present

applicant who was abused and beaten for which she lodged FIR registering case Crime No.0363/2021 under Sections 294, 323, 506 and 34 of IPC in

which the present applicant Rajesh Shrivastava is an accused.

It is submitted that looking to the age of the applicant and also the fact that there are omnibus allegations and further allegation on him is to cause

injury on the body of Rajesh Shrivastava which are simple in nature and there is neither any query report nor any X-ray report to substantiate that

injuries were grievous in nature. Trial will take time to conclude, hence prayer is made to enlarge the applicant on bail.

Learned Panel Lawyer in his turn opposes the bail application and prays for rejection of anticipatory bail.

After hearing learned counsel for the parties and taking into consideration a fact that ingredients of 307 of IPC are not made out against the present

applicant. Accordingly, without expressing any opinion on the merits of the case, the application is allowed.

It is directed that applicant- Shravan Kumar Chouhan is extended benefit of anticipatory bail, subject to applicant surrendering before the I.O. within

15 days' from today and in case he surrenders before the I.O. then I.O. shall let him on bail after accepting personal bond in the sum of Rs.50,000/-

(Rupees Fifty Thousand Only) with two solvent sureties in the like amount to the satisfaction of the Arresting Officer for his appearance before the

concerned Police Station within 15 days' from today and on all dates and for complying with the conditions enumerated in sub-section (2) of Section

438 of the Code of Criminal Procedure.

Certified copy as per rules.