

(2021) 05 MP CK 0118

Madhya Pradesh High Court (Gwalior Bench)

Case No: Miscellaneous Criminal Case No.25286 Of 2021

Sagar Sharma

APPELLANT

Vs

State Of M.P.

RESPONDENT

Date of Decision: May 24, 2021**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 294, 323, 324, 327, 341, 506
- Code Of Criminal Procedure, 1973 - Section 438, 438(2)

Hon'ble Judges: Rajeev Kumar Shrivastava, J**Bench:** Single Bench**Advocate:** Aashirbad Dwivedi, Rajiv Upadhyay**Final Decision:** Allowed

Judgement

Rajeev Kumar Shrivastava, J

I.A. No. 15297/2021 and I.A. No.15296, applications for urgent hearing are taken up, considered and allowed for the reasons mentioned therein.

The applicant has filed this first bail application u/S.438 of Cr.P.C for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.49/2021 registered at Police Station Basai, District Datia (M.P.) in relation to the

offence punishable under Sections 341, 327, 294, 323, 324, 506, 34 of IPC.

It is submitted by learned counsel for the applicant that the applicant is innocent, he has not committed any offence, rather one complaint was filed by

the grandfather of the present applicant against the complainant of this case. Thereafter, one civil suit was also filed. Due to aforesaid enmity, false

case has been registered against the present applicant, hence prayed for grant of anticipatory bail.

Learned counsel for the State has vehemently opposed the submissions and has prayed for rejection of anticipatory bail.

Heard learned counsel for the parties at length and considered the arguments advanced by them and perused the case diary.

Considering the arguments advanced by counsel for the parties, without commenting on merits of the case, the application is allowed. It is hereby

directed that in the event of arrest, the applicant shall be released on anticipatory bail on her furnishing a personal bond of Rs.50,000/- (Rupees fifty

thousand Only) with one solvent surety in the like amount to the satisfaction of the Arresting Officer/Investigating Officer.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant shall make himself available for interrogation by a police officer as and when required.
3. He shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.
4. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;
5. The applicant shall not commit an offence similar to the offence of which he is accused;
6. The applicant will not seek unnecessary adjournments during the trial; and
7. The applicant will not leave India without previous permission of trial Court/ Investigating Officer, as the case may be.

Certified copy/ e-copy as per rules/directions.