

Sameer Vs. the State of Madhya Pradesh

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SooperKanoon Citation : sooperkanoon.com/1039820

Court : Madhya Pradesh

Decided On : Apr-01-2013

Appellant : Sameer

Respondent : The State of Madhya Pradesh

Judgement :

M.Cr.C.No.2421/2013 1.4.2013 Shri Dhananjay Chaturvedi, Advocate for the applicant.

Shri Chandrakant Mishra, GA for the State.

This is the fiRs.bail application filed by the applicant under Section 438 of the Cr.P.C.for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.332/2012 registered at P.S.Lour, District Rewa for the offences punishable under Sections 327, 294, 323, 506/34 of the IPC.

Learned counsel for the applicant has submitted that applicant is falsely implicated in this case.

As per prosecution, nothing has been alleged against the applicant in regard to demand of Rs.1000/- from complainant Mahendra Upadhyay.

As per prosecution itself, when co-accused Saddam, Niyaz and Mohd.

Ayub were quarreling with complainant after demand of aforesaid money, applicant also came on the spot and assaulted complainant, therefore, no case under Section 327 of the IPC is made out against the applicant.

Remaining offences are bailable.

The applicant has no criminal past.

He is a reputed citizen of the locality, in the event of arrest, his reputation will be tarnished, therefore, he be enlarged on anticipatory bail.

Learned counsel for the State has opposed the application.

On due consideration of the contention raised by the learned counsel for the parties and overall facts and circumstances of the case, I am of the considered view that it is a fit case to enlarge the applicant on anticipatory bail, therefore, without expressing any view on the merits of the case, this application is allowed and it is directed that in the event of arrest, the applicant shall be enlarged on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand only) with one surety in the like amount to the satisfaction of the arresting Officer.

The applicant is directed to join the investigation and fully co-operate with the investigating agency.

It is further directed that the applicant shall abide by the conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.This order shall remain in force for a period of 60 days.

In the meantime, if the applicant so desires, may move an application for regular bail before the competent Court, which shall be considered by that Court in accordance with law.

Certified copy as per rules.

(G.S.Solanki) Judge PB