

Narayan Prasad Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Aug-06-2012

Appellant : Narayan Prasad

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Praveen Pandey

Judgement :

M.Cr.C. No. 6376/2012 6.8.2012 Shri Praveen Pandey, counsel for the applicant.

Shri Prakash Gupta, G.A. for the State.

Heard. This is an application under Section 438 of Cr.P.C. The applicant is apprehending his arrest in connection with Crime No.146/2011 registered at Police Station Tikariya, Mandla for offence punishable under Sections 302/34 of IPC and Section 3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He has no criminal past. It is alleged against this applicant that he caught hold the deceased Ajay Jharia and other coaccused assaulted him by kicks and fists and also by a stick. In the postmortem report, no vital organ of the deceased was found ruptured. No external injury was found in the postmortem report. Similarly placed coaccused Parsuram has already been enlarged on bail by this Court vide order dated 28.3.2012 passed in M.Cr.C. No. 997/2012. Learned counsel for the applicant further submits that the applicant is a reputed citizen of

the locality and in the event of arrest, his reputation would be tarnished, therefore he prays for grant of anticipatory bail. Learned counsel for the State opposes the prayer.

Considering over all facts and circumstances of the case along with the facts and circumstances of the case, without commenting on merits of the case, I am of the view that present is a fit case for grant of anticipatory bail. The application is allowed.

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. 35,000/ (Rs. Thirty Five Thousand only) with a surety bond in the like amount to the satisfaction of Arresting Officer.

The applicant shall make himself available for interrogation by a police officer as and when required. He shall further abide by the other conditions enumerated in subSection (2) of Section 438 of Cr.P.C. In view of the ratio laid down by the Hon'ble Apex Court in the case of Sidharam Satlingappa Mhetre versus State of Maharashtra and others., (AIR 2011 SC 312), it is directed that this order shall remain in force till the end of the trial, if the applicant furnishes the bail bond and surety bond before the Court below at the time of filing of challan as per the terms and conditions as mentioned above.

However, it is made clear that due to nonappearance of the applicant if the concerned Court issues a warrant of arrest in future, against the applicant, then in such event this order be deemed ineffective relating to that applicant.

C.C. as per rules.

(G.S.Solanki) JUDGE ravi

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