

Mohd. Habib Vs. Mohd. Safi

Mohd. Habib Vs. Mohd. Safi

SooperKanoon Citation : sooperkanoon.com/1047759

Court : Madhya Pradesh

Decided On : Jul-31-2012

Appellant : Mohd. Habib

Respondent : Mohd. Safi

Advocate for Pet/Ap. : Shri. Rajesh Awasthi

Judgement :

M.Cr.C.No.902/2012 31/07/2012 Shri Rajesh Awasthi, learned counsel for the applicant.

Shri C.K.Mishra, P.P.for the respondent/State.

Heard finally.

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

The applicant is apprehending his arrest in connection with complaint case No.14038/2011 (old complaint case No.1263/05).registered at police station Adhartal, District Jabalpur for the offence punishable under Sections 420, 466, 467, 471 and 506 of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in this case.

It is further submitted that this case arose from the private complaint wherein statement of complainant as well as his witnesses have been recorded u/s 200 and 202 of Cr.P.C and they are yet to be cross examined therefore, he prays for grant of anticipatory bail to the applicant.

Learned counsel for State opposes the application.

On due consideration of the contentions raised by the learned counsel for the parties and facts on record, I am of the view that it is a fit case to release the applicant on anticipatory bail.

Therefore, without commenting on the merits of the case, this application is allowed and it is directed that in the event of arrest, applicant Mohd.

Habib shall be produced before the JMFC, Jabalpur and on his furnishing a personal bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand Only) with a surety bond in the like amount to the satisfaction of JMFC, Jabalpur, applicant be enlarged on anticipatory bail.

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 sub-section (2) of Section 438 of Cr.P.C. In view of the ratio laid down by Hon'ble Apex Court in Siddharam Satlingappa Mhetre versus State of Maharashtra and others J.2010 (13) SC 247. it is directed that this order shall remain in force till the end of trial, if the applicant furnish the bail bond and surety bond before the committal Court/trial Court at the time of filing of challan as per the terms and conditions as mentioned above.

However, the public prosecutor or complainant would be at liberty to move the same Court for cancellation or modifying the conditions of bail any time if liberty granted by the Court is misused.

It is also clear that if the committal Court/trial Court issues an arrest warrant against the applicant due to his absence before the Court, then in such event this

order be deemed ineffective.

C.C.as per rules.

(G.S.SOLANKI) Judge navin

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com