

Biharilal Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Aug-01-2012

Appellant : Biharilal

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Wakeel Khan

Judgement :

M.Cr.C.No.8200/2012 01/08/2012 Shri Wakeel Khan, learned counsel for the applicants.

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

Heard finally.

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

The applicants are apprehending their arrest in connection with Crime No.258/11, registered at police station Chhapara, District Seoni for the offence punishable under sections 302, 201, 34 of IPC.

Learned counsel for the applicants submits that applicants have been falsely implicated in this case.

It is further submitted that the whole case rests on circumstantial evidence and chain of circumstantial evidence is broken.

The eye witness Chainwati Bai, w/o Ramprasad has stated that deceased Hiralal went with Baio Bai, Dhirendra and other 7-8 persons.

In these circumstances, except applicant no.3 Dhirendra names of other applicants Biharilal, Sahablal and Pappu do not find place in her statement recorded u/s 161 of Cr.P.C. Applicants are reputed persons of the society and there is no possibility of their absconding.

In the event of arrest their reputation will be tarnished therefore, he prays for grant of anticipatory bail to the applicants.

Learned counsel for the State opposes the bail application.

On due consideration of the facts and circumstances of the case as name of applicant No.3 Dhirendra find place in the statement of eye-witness, I am of the view that it is not a fit case for grant of anticipatory bail to him.

Accordingly, the application in respect of applicant No.3 is hereby dismissed.

As far as application regarding applicant Nos.1, 2 and 4 is concerned, their names do not find place in the statement of said eye witness therefore, they may be released on anticipatory bail.

In these circumstances, without commenting on the merits of the case the application regarding applicant Nos.1, 2 and 4 is allowed and it is directed that in the event of arrest applicants Biharilal, Sahablal and Pappu shall be enlarged on bail on their furnishing a personal bond in the sum of Rs.30,000/- (Rs.Thirty Thousand Only) each with a surety bond in the like amount to the satisfaction of Arresting officer/competent Court.

The applicants shall make themselves available for interrogation by a police officer as and when required.

They 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 applicants 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 applicants due to their absence before the Court, then in such event this order be deemed ineffective.

C.C. as per rules.

(G.S.SOLANKI) Judge navin

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