

Madhya Pradesh High Court

Saifi Khan vs The State Of Madhya Pradesh on 18 October, 2019

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1

THE HIGH COURT OF MADHYA PRADESH
MCRC-42660-2019
(SAIFI KHAN Vs STATE OF M.P.)

Gwalior, Dated : 18.10.2019

Shri Rajiv Budholiya, learned counsel for the applicant.

Shri Vikrant Sharma, learned Public Prosecutor for the
respondent/State.

Case dairy is available.

Learned counsel for the rival parties are heard. This is first application u/S. 438 Cr.P.C. for grant of anticipatory bail filed by the applicant.

Applicant apprehends arrest in connection with offences punishable u/Ss.353, 147, 149, 332 and 506 of IPC registered as Crime No.252/2019 at Police Station Kotwali, District Datia.

Learned Public Prosecutor for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of anticipatory bail is made out.

Applicant apprehends his arrest in respect of aforesaid offence where allegation against the applicant is of causing assault to Government servant to deter him to discharge official duty. The name of applicant did not find mention in the FIR but he has been subsequently implicated by statements under Section 161 Cr.P.C.

Considering the above facts and circumstances of the case and looking to the nature of the incident, it appears that impulse more than intent was foundation of the incident where possibility of over/false implication cannot be ruled out and that there are no criminal antecedents of the applicant, this court though is inclined to extend benefit of anticipatory bail to the applicant but with certain stringent conditions in view of pendency of investigation.

Accordingly, without expressing any opinion on merits of the case, I deem it appropriate to allow this application u/S. 438 of Cr.P.C. in the following terms.

It is hereby directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand only) with two solvent sureties each

of Rs. 25,000/- to the satisfaction of the Arresting Authority.

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 will cooperate in the investigation/trial, as the case may be;
3. 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/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit and offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.
7. The applicant shall plant 25 saplings of indigenous fruit bearing or shady trees on the side of the road/street of the place of residence of applicant or at any other place in the district which is earmarked by the Collector/Revenue Authority for planting trees and shall take care of the trees for the next one year by watering the plants and by installing tree guards at her own expenses. In case the applicant is unable to afford incurring of such expenses, then he would obtain saplings/tree guard from the forest authorities (the concerned Forest Range Officer of the area) free of cost or at concessional/nominal rates available under any beneficial scheme of the Government. The applicant shall file an affidavit disclosing compliance of this condition within 30 days in the Registry, failing which this court may consider cancellation of bail.
8. On complying with condition No.7 aforesaid, the applicant is directed to inform the location of plantation made to the Forest Range Officer of the area concerned who will pass on this information to the DFO concerned.

For effective implementation of this order in the interest of betterment of ecology of the area concerned, the District Magistrate of district within which the applicant resides is directed to assist the applicant/accused to comply with condition No.7 by extending all possible financial and material assistance to the applicant admissible under any of the beneficial scheme for afforestation of the State.

The DFO of the concerned District is directed to file verification report before the trial court concerned after carrying out inspection personally or through any other officer of the Forest Department duly authorized in that behalf, disclosing as to whether applicant has complied with condition No.7 or not, and if yes to what extent The learned trial Judge on receiving report of non compliance of condition No.7 shall forthwith communicate the same to Registry of this Court.

The Registry on receiving any such report from the trial Court disclosing default shall put up the matter before appropriate bench in shape of PUD.

A copy of this order be sent to the Court concerned for compliance.

Let a typed copy of this order be also supplied to the counsel for the State for compliance of the aforesaid directives.

A copy of this order be furnished by the Registry of this court to the concerned District Magistrate and the DFO having territorial jurisdiction over the place of residence of the applicant for execution of the order in the interest of the ecology.

For the time being this case stands disposed of. C.c. as per rules.

(Sheel Nagu) Judge Aman Aman Tiwari 2019.10.18 20:31:43 +05'30'