

Arun vs The State Of Madhya Pradesh on 17 September, 2024

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2024:MPHC-JBP:46975

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 17th OF SEPTEMBER, 2024
MISC. CRIMINAL CASE No. 38768 of 2024
ARUN AND OTHERS
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Shri Pradeep Naveriya - Advocate for the applicants.

Shri Ajay Tamrakar - Government Advocate for the State.

ORDER

This is first bail application filed by the applicant under Section 438 of the Cr.P.C./482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail relating to FIR/Crime No. 723 of 2024 registered at Police Station Kotwali District Betul (M.P) for the offences punishable under Sections 318(2) and 318 (3) of Bharatiya Nyay Sanhita and Section 339(B) of MP Nagar Palika Adhiniyam, 1961.

2. The counsel for the applicants contends that the present applicants are coloniser and as per the sanction accorded to the applicants, they were required to complete the development work within stipulated period. It is contended by the counsel that if there is violation at the behest of the coloniser in completing the work within the targeted period, the consequences are stipulated in Rule 20 of the Madhya Pradesh Nagar Palika (Colony Vikas) Niyam, 2021, but no criminality can be attached to such lapse. It is thus contended by the counsel that the applicants are ready to NEUTRAL CITATION NO. 2024:MPHC-JBP:46975 2 MCRC-38768-2024 cooperate in the investigation and trial, therefore, they be enlarged on anticipatory bail.

3. The counsel for the State has opposed the application and submitted that despite there being stipulated period for completion of development work, the same was not completed by the applicants and therefore, the FIR under the aforesaid sections has been lodged. Hence, the applicants are not entitled to be released on anticipatory bail.

4. Heard the submissions and perused the case diary.

5. Criminal proceedings cannot be initiated on account of any lapse at the behest of the applicants as per the Rules stipulated in Rule 20 of the Madhya Pradesh Nagar Palika (Colony Vikas) Niyam, 2021. Therefore, without commenting on the merit of the case, the application is allowed.

6. It is directed that in the event of arrest, applicants shall be enlarged on bail on furnishing a personal bond in a sum of Rs.1,00,000/- (Rupees One Lac Only) each with one surety each in the like amount to the satisfaction of the Arresting Officer/Investigating Officer for their appearance before him during course of investigation or before the trial Court during course of trial, as the case may be, on all such dates as may be fixed in this regard during the pendency of trial.

7. It is further directed that the applicants shall comply with the provisions of Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 (MANINDER S. BHATTI) JUDGE NEUTRAL CITATION NO. 2024:MPHC-JBP:46975 3 MCRC-38768-2024 Astha