

Avinash Dehariya vs The State Of Madhya Pradesh on 16 December, 2024

Author: Achal Kumar Paliwal

Bench: Achal Kumar Paliwal

NEUTRAL CITATION NO. 2024:MPHC-JBP:62267

1
IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE ACHAL KUMAR PALIWAL
ON THE 16th OF DECEMBER, 2024
MISC. CRIMINAL CASE No. 53351 of 2024
AVINASH DEHARIYA
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Sunil Kumar Pandey - advocate for the applicant
Shri Sunil Gupta- P.L for the respondent/State.

ORDER

This first application under Section 482 of The Bhartiya Nagrik Suraksha Sanhita has been filed on behalf of the applicant for grant of anticipatory bail.

2. Applicant apprehending his arrest in connection with Crime No. 200/2024 of Police Station-Tamiya, District-Chhindwara (MP) for commission of the offences punishable under Sections 331(4), 305(a) of BNS Section 3 of Lok Sampatti Nuksan Nivarna Adhiniyam has knocked the portal of this Court for grant of anticipatory bail.

3. Prosecution story, in brief, is that applicant damaged government building and thereby caused loss to the State Government and also applicant committed theft of cement sheet, rafter and window etc.

4. Learned counsel for the applicant submits that he did not damage any government building. It was in dilapidated condition and it fell down at its NEUTRAL CITATION NO. 2024:MPHC-JBP:62267 2 MCRC-53351-2024 own. He did not commit any theft. Applicant is owner and in possession of the land, over which alleged structure was standing. It is urged that civil dispute is going on between the parties with respect to the said property and applicant has been

falsely implicated. It is further submitted that applicant is ready to abide by all the conditions whatsoever imposed by this Court. On these grounds, learned counsel for the applicant prays for grant of anticipatory bail.

5. Per-contra, learned counsel for the respondent-State opposes the anticipatory bail application.

6. Looking to the nature of incident and evidence available on record, without expressing any opinion on merits of the case, this application is allowed and it is directed that in the event of arrest, the applicant shall be released on bail on his executing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with solvent surety in the like amount to the satisfaction of the Arresting Officer/Investigating Authority.

7. The applicant shall further abide by other conditions enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall cooperate in the investigation otherwise this bail order shall automatically stand cancelled.

8. Certified copy as per rules.

(ACHAL KUMAR PALIWAL) JUDGE L.R.