

Yogendra Kumar Dubey vs The State Of Madhya Pradesh on 20 August, 2024

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2024:MPHC-JBP:41244

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 20th OF AUGUST, 2024
MISC. CRIMINAL CASE No. 34529 of 2024
YOGENDRA KUMAR DUBEY
Versus
THE STATE OF MADHYA PRADESH

Appearance:
Shri Manish Datt - Senior Advocate with Shri Vivek Agrawal
Kumar Tiwari - Advocate for the petitioner.
Shri Ajay Tamrakar - Govt. Advocate for the State.

Shri Paritosh Trivedi - Advocate for Objector.

ORDER

This is the first application filed by the applicant under Section 482 of the Bhartiya Nagrik Suraksha Adhiniyam, 2023 read with Section 438 of Cr.P.C. seeking anticipatory bail in connection with FIR/Crime No.379/2024 dated 11.6.2024 registered at Police Station Barela, District Jabalpur for the offences punishable under Sections 465, 468, 469, 471, 386 and 500 of Indian Penal Code, 1860.

2. Senior Counsel for the applicant contends that a bare perusal of the First Information Report, prima facie reflects that the same does not contain any specific overt act attributable to the present applicant. The entire First Information Report is vague and in the form of a representation by which the rival group of Office Bearer is making an attempt to malign the image of the present applicant. It is contended by the Senior Counsel that earlier as well NEUTRAL CITATION NO. 2024:MPHC-JBP:41244 2 MCRC-34529-2024 an F.I.R against the applicant was lodged vide F.I.R no. 374 of 2024 with Police Station Garha, Jabalpur which is contained in Annexure A-6, in which, the allegation of use of forged Letter Head of a Union, known as Madhya Pradesh Tritiya Varg Shashkiya Karmachari Sangh, were levelled. The present applicant was granted anticipatory bail in that case and the applicant has not misused the liberty. It is the further contention of the Senior Counsel that subsequent F.I.R is vague and there is a futile attempt to agitate the grievance by the

opposite group of Office Bearer.

3. Counsels for the State as well Objector have opposed the prayer and submitted that in the present case there are serious allegations of misuse of Letter Head of the Union by the present applicant and during the course of investigation the allegations have been found to be proved; therefore, no case for grant of anticipatory bail is made out. Counsel for Objector further contends that looking to the nature of allegations and conduct of the applicant he has serious objection in granting anticipatory bail to the applicant.

4. Having considered the submissions advanced on behalf of the parties, a perusal of the First Information Report, prima facie reflects that there are no specific allegations of overt act against the present applicant. The allegations so levelled appear to be omnibus and general in nature. The applicant in the past on the similar set of allegations was enlarged on bail by this Court vide order dated 29.7.2024 in M.Cr.C No. 29396/2024. Therefore, considering the totality of circumstances and also the age of the applicant who is aged 64 years, this Court deem it proper to allow this application.

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5. It is directed that in the event of arrest, applicant shall be enlarged on bail on furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the Arresting Officer for his appearance before him during the course of investigation or before the trial Court concerned during trial, as the case may be.

6. It is further directed that the applicant shall abide by all the conditions as enumerated under Section 482 (2) of B.N.S.S. (MANINDER S. BHATTI) JUDGE VKT