

Madhya Pradesh High Court

Ram Sanehi Deepankar vs The State Of Madhya Pradesh on 23 August, 2010

M.Cr.C. No.7043/2010

23.08.2010

Shri Hitendra Singh, Advocate for the applicant.

Shri B.P.Pandey, Public Prosecutor for the respondent/State.

Heard on IA No.13744/2010, an application for urgent hearing.

Since the case diary is available, the application is allowed.

Also heard both the parties.

Case diary of Crime No.68/2009 registered at Police Station Sohagi District Rewa for the offence under Sections 147, 148, 323, 326, 506 read with Section 149 of IPC is perused.

The applicant is apprehending his arrest in the aforesaid crime.

Learned counsel for the applicant submits that there is no allegation against the present applicant regarding assault to any of the victim. His name is unnecessarily added in the FIR at Sl.No.8 without any basis. Only allegation against the applicant is that the alleged incident took place in front of his house, otherwise no offence under Section 326 of IPC is made out against him directly or with the help of Section 34 of IPC, whereas other offences are bailable. In such circumstances, he prays for anticipatory bail.

Learned Public Prosecutor for the State opposes the application.

Keeping in view the submissions made by learned counsel for the applicant and the facts and circumstances of the case, I am of the view that this is a fit case for grant anticipatory bail to the applicant. Consequently, this application under Section 438, Cr.P.C. is hereby allowed. It is directed that in the event of arrest, applicant Ram Sanehi Deepankar shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- (Rupees thirty thousand) with a solvent surety in the like amount to the satisfaction of the trial Court.

The applicant shall further abide by the conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

This order shall remain in force for a period of 10 (ten) days and in the meanwhile, if the applicant so desires, may move an application for regular bail before the competent Court.

C.C. as per rules.

(N.K.Gupta) Judge Ansari.