

**Jayesh Maheshwari Vs. State of M.P.**

**Gwalior Bench Dated : 16/11/2018**

Shri V.K. Bhardwaj, learned senior counsel with Shri M.M. Tripathi, learned counsel for the applicant.

Shri RVS Ghuraiya, learned Public Prosecutor for the respondent/State.

With consent heard finally.

This is the first application preferred by the applicant under Section 438 of Cr.P.C. wherein he is apprehending his arrest in a case registered at Crime No.698/2018 at Police Station Janakganj District Gwalior for the offence under Sections 498-A and 323 of IPC.

Learned counsel for the applicant submits that the case in hand is of false implication. The very narration of story indicates improbability. He referred the order dated 26-10-2018 passed in M.Cr.C.No.42303/2018 whereby his mother was given the benefit of anticipatory bail by the Coordinate Bench. He seeks parity on the ground that contents of the prosecution story indicates that mother-in-law caused touch of heated iron-plate to the complainant but no such injury has been surfaced in the medical. He further referred the judgment of Hon'ble Apex Court in the matter of **Arnesh Kumar Vs. State of Bihar and another, (2014) 8 SCC 273**. He is a peaceful citizen of the vicinity and undertakes to appear regularly before the Investigating Officer if anticipatory bail is granted and would cooperate in the investigation. Consequently, he prayed for bail of anticipatory nature.

On the other hand, learned Public Prosecutor opposed the prayer made by learned counsel for the applicant and prayed for dismissal of the application.

Considering the submissions of learned counsel for the applicant as well as fact situation of the case, without expressing

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any opinion on the merits of the case, I intend to allow this bail application. It is directed that applicant shall be released on bail in case of his arrest on furnishing personal bond in the sum of **Rs.1,00,000/- (Rs. One Lacs Only)** with one solvent surety in the like amount to the satisfaction of Arresting Authority/Investigating Officer.

This order will remain operative subject to compliance of the following conditions by the applicants:-

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 will not commit an 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 mark his attendance before the concerned Police Station on every **Monday and Friday between 10 am to 2 pm.**

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

C.c. as per rules.

**(Anand Pathak)**  
**Judge**

Anil\*