

THE HIGH COURT OF MADHYA PRADESH
M.Cr.C. No. 19628/2020
Nilesh @ Kalu S/o. Jagdish V/s. State of M.P.
-: 1 :-

Indore, dated : 09.07.2020

Applicants by Shri Nilesh Manore, Advocate.

Respondent/State by Ms. Archana Maheshwari, Panel Advocate.

ORDER

This is first application filed under Section 438 Cr.P.C. by applicant – Nilesh @ Kalu S/o. Jagdish, expecting his arrest by Police in connection with Crime No.262/2020 registered at Police Station Kishanganj, Dr. Ambedkar Nagar, District Indore, concerning offence u/s. 34(2) of the M.P. Excise Act.

2. Heard the learned counsel for the parties and perused the case diary through Video Conferencing.

3. As per prosecution story, the police has found four persons in possession of 54 bulk litres of country made liquor and three of them were arrested and the present applicant fled away from the spot. He has been declared absconder.

4. Learned counsel for the applicant submits that the other accused have been granted bail u/s. 439 of the Cr.P.C. The applicant has been made accused only on the basis of statement made by the co-accused u/s. 27 of the Evidence Act. The applicant has only one case and which has ended into compromise. Apart from that, there is no criminal case against him. The applicant is aged about 22 years. The offence is triable by Magistrate. The investigation has been completed. No custodial interrogation is required. He, therefore, prays for grant of anticipatory bail to the applicant.

5. On the other hand, learned counsel for State opposes the application and prays for dismissal of the application.

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6. It is correct that the applicant has been made accused only on the basis of statement made by co-accused u/s. 27 of the Indian Evidence Act. The investigation has been completed and no custodial interrogation is required. The applicant is aged about 22 years. I am, therefore, of the opinion that the applicant is entitled for grant of anticipatory bail.

7. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime number, he shall be released on bail upon his furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety in the like amount to the satisfaction of the arresting officer with the condition that the applicant shall make himself available for interrogation by the Police Officer as and when required and shall cooperate with the investigation and shall also abide by the conditions No.1 to 3 of sub section (2) of Section 438 of Cr.P.C.

8. With the aforesaid, this M.Cr.C. stands disposed of.

C.C. as per rules.

**(VIVEK RUSIA)
JUDGE**

k/-