

THE HIGH COURT OF MADHYA PRADESH
BENCH AT INDORE
(S.B.: HON'BLE Mr. JUSTICE VIVEK RUSIA)

M.Cr.C. No.44981/2021

Applicant:- Atul S/o Rajkaran Singh Rajput
Age- 35 years, Occupation-Service,
R/o Village Barha, Tehsil Sirmor,
District- Rewa, (M.P.)

Versus

Respondent:- State of M.P. through P.S. Barwah,
District- Khargone (M.P.)

For Applicant (s) : Mr. Arjun Pathak,
For Respondent (s) : Mr. Mukesh Sharma, P.L.

ORDER

Date: 16.09.2021:

This is first application filed under section 438 Cr.P.C,1973 by the applicant who is apprehending his arrest in connection with Crime No.604/2020 registered at police station Barwah, District- Khargone for the offence punishable under section 34(2) of the M.P Excise Act.

As per prosecution case, 108 bulk liters of illicit country made foreign liquor has been recovered from the joint possession of the co-accused Preetam and Meena. On their disclosure statement recorded under section 27 of the Evidence Act this applicant is implicated in this case.

Learned counsel for the applicant submits that the applicant has falsely been implicated in the case only on the basis of the statement of the co-accused persons recorded under section 27 of the Evidence Act which is not an admissible evidence. The applicant has no criminal past. If he is arrested then he will loose reputation in the society. Under these circumstances, learned counsel for the applicant prays for grant of bail to the applicant.

Learned panel lawyer for the respondent opposes the bail application but submit that as far as the applicant has no criminal past.

Keeping in view of the fact in totality, without commenting on the merit of the case, the application is allowed. It is directed that in the event

of arrest of the **applicant-Atul** S/o Rajkaran Singh Rajput 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)** with one surety in the like amount to the satisfaction of the arresting officer. This order shall be governed by the following conditions:

- (a) the applicant shall co-operate with the investigation and make himself available for interrogation by a police officer as and when required;
- (b) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (c) If the applicant is found involved in any criminal case of the same nature during this bail period, this order granting the benefit of anticipatory bail shall be liable to be cancelled; and
- (d) he shall not leave the territory of India without the prior permission of the Court.

Certified copy as per rules.

(**VIVEK RUSIA**)

JUDGE

Ajit