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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE
HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 24th OF NOVEMBER, 2022

MISC. CRIMINAL CASE No. 55048 of 2022

BETWEEN:-

1. VARUN GROVAR @ RAMJI S/O TILAKRAJ GROVAR, AGED ABOUT 25 YEARS, OCCUPATION: STUDENT KHALWARA BAJAR KAIMOR P.S. KAIMOR TEHSIL VIJAYRAGHAVGADH DISTRICT KATNI (MADHYA PRADESH)
2. TILAKRAJ GROVAR S/O PREM SINGH GROVAR, AGED ABOUT 57 YEARS, OCCUPATION: BUSINESSMAN R/O KHALWARA BAJAR, KAIMOR, POLICE STATION KAIMOR, TEHSIL VIJAYRAGHAVGADH, DISTRICT KATNI (MADHYA PRADESH)

.....APPLICANTS

(BY SHRI R.N. SINGH, SENIOR ADVOCATE WITH SHRI ARPAN PAWAR, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH
P.S. BARHI KATNI (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI ALOK AGNIHOTRI, DEPUTY GOVERNMENT ADVOCATE)

.....
This application coming on for admission this day, the court passed the following:

ORDER

This is the first application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

The applicants are apprehending their arrest in Crime No.695/2022 registered at Police Station Barhi, District Katni, for the offence punishable

under Sections 294, 323, 365, 367, 506, 146 and 147 of the Indian Penal Code.

Learned Senior Advocate submits that the complainant being a competitor of the present applicants, who are involved in the mining business, has registered a false case against them. He submits that along with an application i.e. I.A. No.22441/2022, he has filed various documents which reveal that at the relevant point of time, the applicants were at a public meeting conducted by the Additional Collector along with other Government officers on the subject of 'Controlling Pollution'. He further submits that from those documents, it can be gathered that at the relevant point of time the applicants were participating in the meeting and as such, it was impossible for them to involve in the alleged crime. He submits that just to implicate them and also to put them in trouble, a false case has been registered against the applicants. He submits that in the alleged crime, the offences which are non-bailable have been added subsequently that too after four days of registration of FIR. He also submits that facing the similar allegations, the other co-accused persons have been granted the benefit of anticipatory bail and as such, to maintain parity, the applicants, who have in fact no criminal antecedents, may also be granted the benefit of anticipatory bail

On the other hand, learned Deputy Government Advocate has opposed the prayer of anticipatory bail and submitted that the names of present applicants are there in the FIR and as per the statement of injured witnesses, out of *mar peet* committed by the applicants, they have sustained injuries.

At this stage, learned Senior Advocate submits that so far as injuries are concerned, no non-bailable offence has been registered against the applicants.

Considering the arguments advanced by learned counsel for the parties and on perusal of case diary, I am inclined to grant the benefit of anticipatory

bail to the applicants. Therefore, without commenting anything on the merits of the case, this application is **allowed**.

It is directed that in the event of arrest, the applicants be released on bail upon their furnishing a bail bond in the sum of **Rs.1,00,000/- (Rupees One Lac)** each with one solvent surety each of the like amount to the satisfaction of the Station House Officer/Arresting Officer of the Police Station concerned.

The applicants shall abide by the conditions enumerated under Section 438 (2) of the Code of Criminal Procedure.

Certified Copy as per rules.

Devashish



(SANJAY DWIVEDI)
JUDGE