

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 28th OF JUNE, 2024

MISC. CRIMINAL CASE No. 24609 of 2024

(D.C. JAIN

Vs

THE STATE OF MADHYA PRADESH)

Appearance:

(SHRI AKASH TELANG - ADVOCATE FOR THE APPLICANT)

*(SHRI S.K. SHRIVASTAVA - GOVERNMENT ADVOCATE FOR THE
RESPONDENT/STATE)*

ORDER

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

2. The applicant is apprehending his arrest relating to FIR/Crime No.253/2024 dated (not mentioned) registered at Police Station Bhedaghat, District Jabalpur, for the offence under Sections 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code.

3. Learned counsel for the applicant submits that the present applicant is aged about 91 years and suffering from several ailments. He submits that under the existing circumstances, if he is arrested by the police, then his survival would be difficult and any untoward incident may occur. He submits that considering the aforesaid circumstances, the bail application considering the age of the present applicant may be considered and he may be granted interim protection. He assures this Court that whatever assistance would be required from the applicant to the police, he would provide the same for completing the investigation in the alleged offence.

4. On the other hand, learned counsel for the State opposes the submissions

made by the counsel for the applicant and submits that the present applicant is the main accused, therefore, bail application cannot be considered and he may not be granted any interim protection.

5. Considering the submissions made by learned counsel for the parties, I am inclined to consider and allow this anticipatory bail application only on the ground that the present applicant is aged about 91 years, suffering from several ailments and documents are also on record showing his physical condition. Accordingly, without commenting anything on the merit of the case, this anticipatory bail application is **allowed**. However, it is made clear that the interim protection granted to the present applicant cannot be treated to be a precedent and this order cannot be claimed by any other accused persons claiming parity with the present applicant. This bail application is being considered only on the ground that the present applicant is aged about 91 years and his physical condition is not well.

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

7. This order would remain operative subject to compliance of following conditions by the applicant :-

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 in extending 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 the Police Officer, as the case may be.

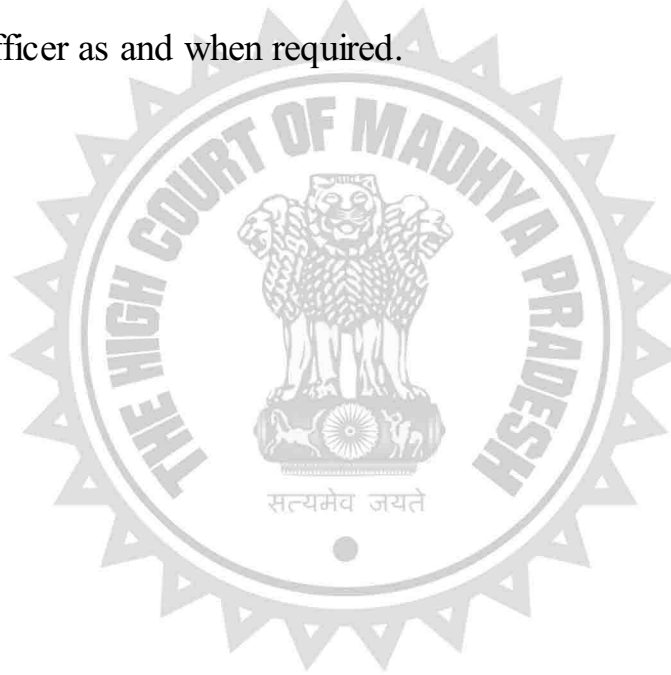
4. The applicant shall not commit an offence similar to the offence of which he is accused.

5. The applicant will not seek unnecessary adjournments during 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 make himself available for interrogation by the Police Officer as and when required.

ac/-



**(SANJAY DWIVEDI)
JUDGE**