IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3250 of 2024

BETWEEN:-

SHANTI SAKET W/O SAMAYLAL SAKET, AGED ABOUT 39 YEARS, OCCUPATION: HOUSE WIFE R/O MADARIYA P.S. JAMODI DISTRICT SIDHI (MADHYA PRADESH)

.....APPLICANT

(BY SHRI BHUPENDRA KUMAR SHUKLA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION JAMODI DISTRICT SIDHI (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI VINAY SHARMA - PANEL LAWYER)

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

ORDER

This is the first application filed by the applicant under Section 438 of the Code of Criminal Procedure relating to F.I.R. No.807/2023 dated 04.10.2023 registered at Police Station Jamodi, District Sidhi (M.P.) for commission of offence under Section 34(2) of M.P. Excise Act. Applicant apprehending her arrest in the aforesaid offence has knocked the portal of this Court for grant of anticipatory bail.

2. As per the prosecution story, on 04.10.2023, applicant was found in possession of 55 bulk liters of illicit country made liquor. F.I.R. was registered. After seizure, police did not arrest her. After completion of investigation, police

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before filing charge-sheet gave notice with date of filing of charge-sheet before the trial Court. But, despite receipt of notice, she did not turn up before the Court on due date.

4. Learned counsel for the applicant has submitted that applicant has not committed any offence. She is innocent. She has been falsely implicated. After investigation, charge-sheet has already been filed. Therefore, it is prayed that the applicant may be released on anticipatory bail.

5. On the other hand, learned counsel for the State has opposed the prayer for grant of anticipatory bail to the applicant and has submitted that after filing of charge-sheet, accused failed to appear before the trial Court despite service of notice of date of filing of charge-sheet. It is further submitted that applicant is a habitual offender as 10 criminal cases are already registered against her and out of those cases, 9 are of the same nature.

6. Considering the submissions put-forth by learned counsel for the parties, long criminal background of the applicant and the fact that applicant has failed to appear before the Court at the time of filing of charge-sheet and now, she is absconding, but without commenting anything on the merit of the case, I am of the view that it is not a fit case for grant of anticipatory bail to the applicant.

7. Consequently, this first application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail filed on behalf of **applicant - Shanti Saket** stands **dismissed**.

(DINESH KUMAR PALIWAL)
JUDGE

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