IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 46940 of 2023

BETWEEN:-

RAMJILAL S/O LATE SHRI GOPIPRASAD UPADHYAY, AGED ABOUT 65 YEARS, OCCUPATION: RETIRED GOVERNMENT SERVANT PRESENT R/O BY PASS AMBAHA ROAD MUDHIYA KHEDA MURAINA PURVA R/O HOUSE NO 132 LAXMI NAGAR BURHANPUR HALL HAJIR DISTRICT BURHANPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI SOURABH BHUSHAN SHRIVASTAVA - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH COLLECTOR DISTRICT BURHANPUR (MADHYA PRADESH)**

2. **KANTA BAI W/O RAMLAL PAL R/O VILLAGE BHATKHEDA, POLICE STATION SHAHPUR (MADHYA PRADESH)**

.....RESPONDENTS

(NONE)

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

ORDER

This is the ***first*** application filed by applicant under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail relating to Crime No.1101/2019, registered at Police Station-Collector Burhanpur, District Burhanpur (MP) for the offences under Sections 354, 506 of Indian Penal Code.

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Signed by: ANUPRIYA SHARMA
Signing time: 2/3/2024 11:21:52 AM

2. Learned Counsel appearing for the applicant submitted that applicant is a retired Govt. servant and was working as District Education Officer. During course of his employment, he has initiated an enquiry against prosecutrix regarding her forged certificate. Later on, applicant is said to have been falsely implicated in the case. Applicant is in advanced stage of life and pensioner and there is no likelihood that he will abscond from law. He is already on ad-interim bail. In these circumstances, anticipatory bail application may be considered and applicant be released on anticipatory bail.

3. Repeated notices were sent to complainant-Respondent No.2 but for one or other reasons, notices are not served. It appears that Respondent No.2 is avoiding notices.

4. Heard learned counsel for the applicant.

5. Considering the totality of facts and circumstances of the case, anticipatory bail application is **allowed** *on condition that applicant will cooperate in investigation and will regularly appear before the Court as and when required*. It is directed that in the event of arrest of applicant by the police in the aforesaid crime, he shall be released on bail on his furnishing a 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 (Investigating Officer) for his regular appearance before the Police during the investigation or before the Court during trial.

6. The applicant is directed to join the investigation immediately and co-operate with the investigating agency. He will further abide by the condition enumerated in sub-section (2) of Section 438 of the Cr.P.C.

Certified copy as per rules.

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(VISHAL DHAGAT)
JUDGE

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