

M.Cr.C. No.6795/2011**Date: 31.10.2011**

Shri A.K. Saraswat, learned counsel for the applicants.

Shri Satish Jain, learned counsel for complainants/non-applicants no.1 and 2.

Shri R.S. Parmar, learned Panel Lawyer for the non-applicant no.3/State.

Heard.

This is an application filed by the applicants under Section 438 Cr.P.C. for grant of anticipatory bail.

The applicants are apprehending their arrest in connection with Criminal Case No.1868/09 registered under Section 420, 467, 120-B of the Indian Penal Code pending in the Court of C.J.M., Neemuch.

Learned counsel for the applicants submitted that they are falsely implicated in this case. He has further submitted that one civil suit is also pending before Civil Judge, Class-I at Neemuch in regard to the land transaction. He has further submitted that in the event of arrest their reputation will be diminished, therefore, he prays for grant of anticipatory bail.

Learned counsel for the complainants has submitted that despite the bailable warrant issued by the trial Court, applicants have not appeared before the trial Court, therefore, he prays for

dismissal of this application.

Learned counsel for the State has also opposed the bail application.

Considering the facts and circumstances of the case, in which a civil suit is already pending between the parties. Since case was registered under Section 420, 467 and 120-B of the IPC, certainly trial Court has no power to grant bail immediately.

Considering overall facts and circumstances of the case, without commenting on merits of the case, I am of the view that it is a fit case for grant of bail. The petition is accordingly allowed.

It is directed that in the event of the applicants' arrest, the applicants be released on bail on each of them furnishing a bail bond of Rs.15,000/- (Rupees Fifteen Thousand) with one surety each of the like amount to the satisfaction of Station House Officer of the Police Station concerned or trial Court. They would abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

C.C. as per rules.

(G.S. Solanki)
Judge

Trilok/-