

Miscellaneous Criminal Case No.10005/2011**29.12.2011**

Shri Abhay Saraswat, Advocate for the applicant.

Shri Mukesh Kumawat, Panel Lawyer for the NA/State.

Arguments heard. Case diary perused.

By this application filed under Section 438 of the Cr.P.C. the applicant Brijmohan Solanki has moved the application for grant of anticipatory bail being implicated in Crime No.422/11, registered by Police Station – Station Road, Ratlam for offence under Section 420 of IPC and Section 3/7 of the Essential Commodities Act.

Counsel for the applicant has vehemently urged the fact that this is an application under Section 438 Cr.P.C. for grant of anticipatory bail . Counsel stated that there is no material on record to implicate the present applicant Brijmohan Solanki, who is in government service and his entire career would be placed in a jeopardy if he is arrested. Counsel stated that the main accused Bharatlal and Madanlal have already been granted bail by the lower Court itself. The applicant is willing to co-operate with the investigating agency and provide all documents in his possession as and when required. Counsel prayed for grant of anticipatory bail.

Counsel for the respondent State, on the other hand, has opposed the submission of the Counsel for the applicant and has stated that the applicant is the provider of fertilizer and has been named in the memo under Section 27 of the co-accused. He prays for dismissal of the bail application.

Considering the above, I find that it is a fit case for grant of anticipatory bail since the applicant is a government servant; however, by way of abundant caution, it is directed that in the event of arrest, the applicant shall be released on bail for the period of 30 (thirty) days upon his furnishing a personal bond to

the tune of Rs.25,000/- (rupees twenty five thousand) with one surety in the like amount to the satisfaction of the arresting officer for his further appearance as and when directed.

The applicant shall apply for regular bail within the aforesaid period of 30 days which shall be dealt by the trial Court in accordance with law.

It is also directed that the applicant shall abide by all the conditions enumerated under Section 438 of the Cr.P.C.

Certified copy as per rules.

(Mrs. S.R. Waghmare, J.)