

M. Cr. C. No.17577/2017

31/10/2017

Mr. Vivek Singh, learned counsel for the applicant.

Ms. Nidhi Bohra, learned Government Advocate for the respondent / State.

Mr. Ashish Sharma, learned counsel for the objector.

Heard on the question of grant of bail.

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

The applicant is apprehending his arrest for offences punishable under Section 420, 467, 468, 471 and 120-B of the IPC registered with Police Station Dhamnod, Distt. Dhar at Crime No.367/2017.

As per prosecution case, on 04/12/2016 a complaint was lodged at police station Dhamnod that there was an account in the name of Saraswati and Dhannalal who are no more and the account after their death was being operated by some other family members including present applicant.

A complaint has been lodged by grand son of Dhannalal who is real brother of the applicant Dhannalal, meaning thereby, the grand son has lodged a complaint against his grand father. On account of operation of the bank account, there are outstanding dues against the entire family as the land mortgaged with the Bank is a HUF land and in those circumstances as the account is being operated after the death of Saraswati and Dhannalal, a criminal case has been registered.

It has been argued by learned counsel for the applicant that present applicant is having terminal decease i.e. cancer and every week he has to attend the hospital at Indore and no purpose will be solved by sending him to jail.

On the other hand, learned counsel for the State as well has learned counsel for the objector has vehemently opposed the application for grant of anticipatory bail. Their contention is that bank account of a dead person was being operated by the present applicant. Learned Government Advocate has read out the statements available and in the case and submits that the question of grant of bail does not arise.

After hearing the learned counsel for the parties and on consideration of the facts and circumstances of the present case but without commenting on merits, at this stage, I find it to be a fit case for grant of anticipatory bail to the applicant.

Accordingly the bail application is allowed and it is directed that in the event of the applicant's arrest, the applicant be released on bail on furnishing a bail bond of **Rs.1,00,000/- (Rs. One Lac Only)** with one surety of the like amount to the satisfaction of Station House Officer of the Police Station concerned. The applicant would abide by the conditions mentioned in Section 438(2) Cr.P.C.

Certified copy as per rules.

(S. C. SHARMA)
J U D G E