

THE HIGH COURT OF MADHYA PRADESH

M.Cr.C. No.20727/2018

(Subhash vs. The State of Madhya Pradesh)

Indore, Dated:31/05/2018

Shri Milind Phadke, learned counsel for the applicant.

Shri Govind Purohit, learned Public Prosecutor for the respondent/State.

Heard, case-diary perused.

This is an application under section 438 of Cr.P.C for grant of anticipatory bail. Applicant is apprehending his arrest in connection with Crime No.62/2012, registered at police Station-E.O.W., District Indore, for offence punishable under Sections 420, 467, 468, 471 120-B of IPC read with Sections 13(1)(D), 13(2) of Prevention of Corruption Act, 1988 and Section 66 of I.T Act, 2000.

Matter relates to alleged misappropriation of Form 49. Allegation against the applicant is that, he forwarded the form without properly verifying it physically with the property and he has not properly enquired in this regard.

Learned counsel for the applicant has submitted that the applicant is a government servant and he is working as temporary Commercial Tax Inspector. Economic Offences Wing has registered crime against the applicant and co-accused persons in the year 2012, however, during the entire period of investigation, the applicant was not arrested by the investigation officer and the charge-sheet has already been filed before the trial Court even though he was not arrested for considerable period of time, this clearly indicates that there was no apprehension that the applicant would abscond or hamper the trial in any manner. It is not the case of the prosecution that applicant is a shady character and also there is nothing on record to show that the applicant had earlier been involved in any unacceptable activities, let alone any alleged illegal activity. Under these

circumstances counsel prays for grant of anticipatory bail to the applicant.

Learned counsel for the respondent/State opposed the bail contending that even after giving notice to appear before the trial Court during the filing of charge-sheet, the applicant has not marked his presence, therefore, no case for grant of anticipatory is made out and hence prayed for rejection of anticipatory bail application.

Considering the facts and circumstances of the case and the arguments advanced by the learned counsel for the parties and looking to the fact that investigation has already been over and charge-sheet has been filed and the applicant is a government servant and there is no possibility of his absconson or tampering of evidence, but without commenting on the merits of the case, I deem it proper to grant anticipatory bail to the applicant. Accordingly, this application is allowed. It is directed that in the event of arrest, applicant be released on bail, on executing a personal bond by the applicant in the sum of **Rs.75,000/- (Rupees seventy five thousand only)** and furnishing one solvent surety in the like amount to the satisfaction of the Arresting Authority (Investigating Officer).

The applicant shall make himself available for interrogation by a police officer as and when required. They shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.

**(S. K. AWASTHI)
V. JUDGE**

sumathi

Digitally signed by Sumati
Jagadeesan
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