

# The High Court Of Madhya Pradesh

MCRC No. 60062 of 2021

(SUKHENDRA CHATURVEDI Vs THE STATE OF MADHYA PRADESH)

**Jabalpur, Dated : 21-01-2022**

**Heard through Video Conferencing.**

Shri Jai Shukla, learned counsel for applicant Sukhendra Chaturvedi S/o.Anjani Kumar Chaturvedi.

Shri Dinesh Prasad Patel, learned Panel Lawyer for the non-applicant/State.

Learned counsel for the applicant after arguing at length and unable to satisfy this Court from the Document D/3, a statement of accounts, to be issued by the Punjab National Bank as there is no mention of either the name of the Bank nor any other detail has been given prays for withdrawal of this anticipatory bail application filed under Section 438 of the Code of Criminal Procedure, 1973 (for brevity "Cr.P.C") with liberty to surrender before the Trial Court & apply for regular bail and submits that he be allowed to approach the authorities inasmuch as he has already paid the loan upto 16.1.2009 and, therefore, no offence is made out against him.

Shri Dinesh Prasad Patel, learned Panel Lawyer for the non-applicant, on the other hand, submits that applicant is absconding for over 13 years. The Superintendent of Police has declared a price of Rs.10000/- on his head and there is no justification of entertaining this anticipatory bail application at this distance of time when applicant is not cooperating with the investigation.

After considering rival contentions of learned counsel for the parties, the prayer of Shri Jai Shukla, learned counsel for the applicant to withdraw this anticipatory bail application is allowed. Applicant is free to approach the Bank Authority and clarify the issue of repayment

of loan and whether applicant is wanted in other cases or not and submit a representation to the Superintendent of Police, Sidhi in this regard alongwith relevant documents from the Bank.

Perused the affidavit of Satish Mishra S/o.Santosh Mishra, Incharge of Police Station Churhat, District Sidhi filed alongwith Covering Memo No.2/2022 dated 21.1.2022 in compliance of order dated 19.1.2022 wherein he has mentioned that case diary could not be presented earlier due to "*Vyastata Ke Karan Bhoolvash Case diary Prastut Nahi Ki Ja Saki Thi*". This explanation given by the Incharge Station House Officer Satish Mishra S/o.Santosh Mishra reveals that *prima facie* he is not fit to continue in police service because his memory is weak and he could not produce the case diary despite several reminders, which were sent from of the Office of the Advocate General and when case was listed on 15.12.2021, 5.1.2022, 12.1.2022 & 19.1.2022.

Let Superintendent of Police, Sidhi conduct a departmental enquiry against the said Station House Officer Satish Mishra S/o.Santosh Mishra for filing a false affidavit giving lame excuses and also consider the case for taking disciplinary action for major penalty as there is an admission that Station House Officer Satish Mishra S/o.Santosh Mishra had not presented the case diary despite instructions of the Court, which amounts to obstructing the work of the Court and indirectly amounts to committing contempt of the orderS of the Court.

Let enquiry be conducted by the Superintendent of Police, Sidhi and appropriate disciplinary action be taken against the delinquent Station House Officer Churhat, District Sidhi under intimation to the

Registrar General of this Court within thirty days from the date of communication of this order.

Learned Panel Lawyer for the non-applicant/State undertakes to communicate this order to the Superintendent of Police, Sidhi during the course of the day both by fax as well as on official e-mail of Superintendent of Police, Sidhi.

Accordingly, this anticipatory bail application filed under Section 438 of Cr.P.C is dismissed as withdrawn with liberty to the applicant to surrender before the Trial Court & apply for regular bail.

**(VIVEK AGARWAL)**  
**JUDGE**

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