IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SMT. JUSTICE SUNITA YADAV

ON THE 1st OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 2260 of 2024

BETWEEN:-

RAJU YADAV S/O SHRI MUNNA SINGH YADAV, AGED ABOUT 34 YEARS, VILLAGE CHAKUPURA WARD NO 1 AKODA P S UMRI DISTRICT BHIND MP (MADHYA PRADESH)

.....APPLICANT

(BY MR. DEEPENDRA SINGH KUSHWAH - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH P S DEHAT DISTRICT BHIND MP (MADHYA PRADESH)

.....RESPONDENT

(BY MR. RAJEEV UPADHYAY - PUBLIC PROSECUTOR)

This application coming on for admission this day, the court passed the following:

ORDER

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 954 of 2023 registered at Police Station Dehat Bhind, District Bhind (M.P.) for the offence under Sections 420, 467 and 468 of IPC.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. The FIR is lodged only on account of some alleged discrepancies in the account. An agreement was executed between the complainant Ramesh Sharma and present applicant on 17.11.2022 with certain

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conditions and under those conditions (condition No. 8), notice was sent by applicant - accused to the complainant and, thereafter, present FIR was lodged. It is further argued that this is a case of civil nature and the complainant is trying to give it the colour of criminal case. In case there is any breach of condition of agreement, the complainant could have filed the civil suit, however, instead of filing civil suit, present FIR was lodged for the purpose of pressurizing the applicant. Further argument is that the applicant is in custody since 24.12.2023. There is no requirement of further custodial interrogation of the applicant. Applicant is the permanent resident of District Bhind (M.P.) and there is no possibility of his absconsion or tampering with the prosecution evidence. Hence, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application and prayed for its dismissal.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 1,00,000 (Rupees One Lakh Only)** with one solvent surety in the like amount to the satisfaction of the trial Court/committal court.

This order will remain operative subject to compliance of the following conditions by the applicant:-

1) The applicant will comply with all the terms and conditions of the bond executed by him;

2) The applicant will cooperate in the investigation/trial, as the case may be;

3) The applicant will not indulge himself in extending

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inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;

4) The applicant will not commit any other offence or will not repeat the offence in future;

5) The applicant will not seek unnecessary adjournments during the trial; and

6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

AKS

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