

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 22nd OF JANUARY, 2024**

MISC. CRIMINAL CASE No. 2605 of 2024

BETWEEN:-

**RISHIRAJ KURMI S/O SHRI MANIRAM KURMI, AGED
ABOUT 35 YEARS, R/O GREEN PARK COLONY GANJ
BASODA DISTRICT VIDISHA (MADHYA PRADESH)**

.....APPLICANT

(BY MR. ATUL GUPTA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION TYONDA DISTRICT VIDISHA (MADHYA
PRADESH)**

.....RESPONDENTS

(BY MRS. KALPNA PARMAR - PANEL LAWYER)

.....
*This application coming on for Admission this day, the court passed the
following:*

ORDER

This is first application filed by the applicant under Section 439 of Cr.P.C. for grant of bail relating to Crime No. 10 of 2023 registered at Police Station Tyonda, District Vidisha (M.P.) for the offence under Sections 420 and 409 of IPC.

The applicant argued that applicant is innocent and has been falsely implicated. Allegedly the embezzlement was done between 2012 to 2017, however, FIR was lodged in the year 2023 i.e after delay of four years. However, to show his bonafide intention, the applicant is ready and willing to deposit alleged embezzled amount i.e. Rs.4,80,876/- under protest in

cash/demand draft before the trial Court on the pretext that if applicant is found guilty then the deposited amount may be forfeited, otherwise the applicant is entitled to get the sum back. He is in custody since 23.12.2023. After completion of investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. He is having no criminal history. The applicant is permanent resident of District Vidisha (M.P.) and there is no likelihood of his absconsion or tampering with the prosecution evidence; therefore, it has been prayed that the applicant may be granted the benefit of bail.

On the other hand, learned State counsel opposed the application by citing criminal history and prayed for its rejection.

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

Considering the facts and circumstances of the case, 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 submitting a receipt of deposit of **Rs.4,80,876/- (Rs. Four Lacs Eighty Thousand, Eight Hundred and Seventy Six)** as proposed by him before the concerned trial Court, which shall be deposited by the trial Court in any Nationalized Bank fetching maximum interest and furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand 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/her;

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

3) The applicant will not indulge himself/herself in extending 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. In case, if he/she is found involving in the offence of same nature, this bail order shall stand cancelled automatically without further reference to the Bench.

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

(LJ*)