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. 4197 of 2024

BETWEEN:-

MADHO SINGH BUNDELA S/O LATE SHRI KRISHNA PAL, AGED ABOUT 50 YEARS, OCCUPATION: AGRICULTURIST 117 VILLAGE RAWARI DISTRICT DATIA (M.P.) (MADHYA PRADESH)

.....APPLICANT

(BY MR. PRATIP VISORIYA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION SINAWAL DISTRICT DATIA(M.P.) (MADHYA PRADESH)

.....RESPONDENT

(BY MR. A.P.S. TOMAR - 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 438 of the Cr.P.C. for grant of anticipatory bail relating to FIR No.133 of 2023 registered at Police Station Sinawal (Sonagir), District Datia (M.P.) for the offence under Section 420 of IPC.

Learned counsel for the applicant - accused argued that applicant is innocent and has been falsely implicated. The incident is of the year 2018, however, the FIR was lodged in the year 2013 after a delay of five years. It is further argued that applicant has been implicated in this case. No offence under

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Section 420 of IPC is made out. One of the complainant Gair Kushwah gave his statement before the Court below that no money was demanded by the present applicant and he has been falsely implicated, which is evident from the order impugned. It is further argued that applicant is the reputed citizen of the society and if he is sent to jail, his reputation would get diminished. Under these circumstances, he prays for grant of anticipatory bail to the applicant.

On the other hand, learned State counsel vehemently opposed the bail application and argued that present FIR was lodged against the applicant when in the year 2023 *Bharosa Abhiyan* was launched by the State Government to enquire about illegal demand of money from the beneficiaries of *Pradhanmantra Awas Yojna* in which complainant Shivram Yadav and Gair Kushwah gave their statement that present applicant, who was the then Sarpanch, took Rs.5000/- from them for giving them the benefit of aforesaid government scheme. It is further argued that there is specific allegation against the present applicant and investigation is at early stage and applicant is stil absconding and is not cooperating in the investigation. Under these circumstances, applicant is not entitled to get benefit of anticipatory bail.

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

It would not be desirable to enter into merits of the rival contentions at this juncture. It is well settled that the considerations governing grant of anticipatory bail are altogether different from those relevant for the prayer for regular bail.

Taking into consideration the facts and circumstances of the case, looking to the nature of allegation levelled against the applicant and manner in which the applicant/accused is involved in the offence, as alleged by the prosecution, no case for grant of anticipatory bail is made out.

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Consequently, the present bail application is hereby **dismissed.**

(SUNITA YADAV)
JUDGE

AKS

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