IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 23rd OF JANUARY, 2024

MISCELLANEOUS CRIMINAL CASE No. 52511 of 2023

BETWEEN:-

MANIRAM SHARMA S/O SHRI RAMLAL SHARMA, AGED ABOUT 45 YEARS, OCCUPATION: AGRICULTURE, RESIDENT OF VILLAGE DEVRI DISTRICT MORENA (MADHYA PRADESH)

.....APPLICANT

(SHRI RAJ KUMAR SHRIVASTAVA - ADVOCATE FOR THE APPLICANT)

AND

THE STATE OF MADHYA PRADESH INCHARGE POLICE STATION THROUGH POLICE STATION GIRWAI DISTRICT GWALIOR (MADHYA PRADESH)

.....RESPONDENT

(SHRI A.K. SHUKLA - PUBLIC PROSECUTOR FOR THE RESPONDENT-STATE)

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

ORDER

This second bail application has been filed by applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No. 268/2023 registered at Police Station Girwai, District Gwalior (M.P.) for offence punishable under Sections 420, 467, 468 and 471 of the IPC. The applicant is in judicial custody since 29/08/2023. Earlier first bail application was dismissed as withdrawn vide order dated 19/10/2023 passed in M.Cr.C. No. 45496/2023.

As per the case of prosecution, Seema Shukla submitted a written

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complaint to SHO, PS Girwai District Gwalior on 29/08/2023 that a person impersonating as Prahalad Prajapati entered into notarized agreement to sell dated 26/06/2023 and cheated her of Rs. 50,000/-. On such allegations, Police Station Girwai, District Gwalior (M.P.) registered FIR at Crime No. 268/2023 for the offence punishable under Sections 420, 467, 468 and 471 of the IPC against Maniram (applicant). Applicant was arrested on 29/08/2023, he is in custody ever since. Statements of witnesses have been recorded. Relevant documents have been seized. On completion of investigation, final report is submitted on 23/11/2023.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is an illiterate person. He himself is victim of cheating committed by Satish Sharma and K.P. Gurjar. They have forged his Aadhar Card and taken money received from the complainant. Learned counsel further contends that applicant is aged 50 years. He is an agriculturist and herdsman by profession. He has family to look after. He is sole bread earner of the family. There is no likelihood of his absconsion leaving family and home. There is no likelihood of tampering with evidence, as prosecution is based on documentary evidence. Jail incarceration is causing great hardship to the applicant. Trial would take time to conclude. Therefore, applicant may be extended the benefit of bail.

Per contra, learned Counsel for the State opposes the bail application on the ground of gravity of alleged offence.

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

Considering the arguments advanced by both the parties and overall circumstances of the case, but without commenting on merits of the case, this

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Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant MANIRAM SHARMA** shall be released on bail in relation to Crime No. 268/2023 registered at Police Station Girwai, District Gwalior (M.P.) for offence punishable under Sections 420, 467, 468 and 471 of the IPC, upon furnishing a personal bond in the sum of **Rs. 50,000/- (Rs. Fifty Thousand Only)** with one solvent surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions, : **(For the sake of convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-**

(1) Applicant shall remain present on every date of hearing as may he directed by the concerned court;

(1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा।

(2) Applicant shall not commit or get involved in any offence of similar nature;

(2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा।

(3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;

(3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो।

(4) Applicant shall not directly or indirectly attempt to temper with the evidence or allure, pressurize or threaten the witness;

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(4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेडछाड करने का या साक्षी या साक्षियों को बहलाने–फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा।

(5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C. regarding examination of witnesses in attendance;

(5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा 309 दं.प्र.सं. के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा।

This order shall be effective till the end of trial. However, in case of breach of any of the precondition of bail, the Trial Court may consider on merit cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned, if any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

Prachi

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