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

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 3rd OF JANUARY, 2024

MISC. CRIMINAL CASE No. 53714 of 2023

BETWEEN:-

**AKASH GUPTA S/O LATE SHRI MURARILAL GUPTA, AGE
28 YEARS, OCCUPATION: BUSINESS RESIDENT OF
RAJGARH CHAURAHE KE PASS NARSINGH TEELA
MANDIR KE BAGAL ME , DATIA (MADHYA PRADESH)**

.....APPLICANT

(SHRI ANANT KUMAR BANSAL- ADVOCATE FOR APPLICANT)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION KOTWALI DISTRICT DATIA (MADHYA
PRADESH)**

.....RESPONDENT

***(SHRI PRAMOD KUMAR PACHAURI- PUBLIC PROSECUTOR FOR THE
RESPONDENT- STATE)***

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

ORDER

The **second** bail application has been filed by the applicant under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.366 of 2020 registered at Police Station- Kotwali, Datia, District Datia (M.P.) for the offences punishable under Sections 420, 467, 468, 471, 120-B, 201 of IPC.

First anticipatory bail application of applicant i.e. MCRC No. 37801 of 2022 was dismissed by Coordinate Bench of this Court *vide* order dated 3rd of August, 2022.

According to the case of prosecution, Head Constable Shivprakash Mishra of PS Kotwali, Datia on 11-08-2020 received a letter dated 07-08-2020 written by the then Tahsildar of District Datia Neetesh Bhargava, for lodging an FIR in relation to unethical act played by various persons regarding sell and purchase of land bearing survey nos.2467, 2468 and 2469 situated in Mouza Datia, which was recorded as forest land up-to 1943-44 and from 1969-70, names of *Khatedars* have been recorded as land owners by criminal nexus between the then Patwari and the land owners, causing huge economic loss to the tune of Rs.56 crores to Government. On the basis of such letter, FIR at Crime No.366 of 2020 was registered by PS Kotwali, Datia for offences punishable under Sections 420, 467, 468, 471, 120-B, 201 of IPC against the then Patwari and the land owners. During investigation, statements of the witnesses have been recorded. Seizures of relevant documents were made. Investigation is underway.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that neither the name of applicant has been mentioned in the FIR nor there is any allegation against the applicant that any fake or fabricated document has been prepared by him for the use of his own benefit, therefore, no alleged offence is made out against him. There is delay of around 50 years in lodging the alleged FIR. Learned Counsel further submits that after dismissal of earlier anticipatory bail application of applicant by Coordinate Bench of this Court vide order dated 3rd of August, 2022 passed in MCRC No.37801 of 2022, co-accused Rajkumari Gupta has been extended the benefit of anticipatory bail by Supreme Court vide order dated 18-01-2023 passed in Special Leave to Appeal (Crl) No. 8911 of 2022 and another co-

accused Vikas Gupta has also been extended the benefit of anticipatory bail by Supreme Court vide order dated 2nd of November, 2023 passed in Special Leave to Appeal (Crl) No. 9923 of 2023. Prosecution against the applicant is identical to that of co-accused Rajkumari Gupta and Vikas Gupta. No custodial interrogation of applicant is required in the matter, as the prosecution is based on documentary evidence. Applicant is ready to cooperate in the investigation as and when required. Therefore, applicant may also be extended the benefit of anticipatory bail

Per contra, learned counsel for State opposes the anticipatory bail application and prays for its rejection.

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

Considering the arguments advanced by both the parties and overall circumstances of the case, regard being had to the orders passed by Supreme Court granting anticipatory bail to co-accused Rajkumari Gupta and Vikas Gupta, but without commenting on merits of the case, this Court is inclined to grant anticipatory bail to applicant. Thus, the application is allowed.

Accordingly, it is directed that in the event of his arrest, applicant- **AKASH GUPTA** shall be released on bail in relation to Crime No.366 of 2020 registered at Police Station- Kotwali, Datia, District Datia (M.P.) for the offences punishable under Sections 420, 467, 468, 471, 120-B, 201 of IPC upon furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety** of the same amount to the satisfaction of the officer making arrest, for compliance with the following conditions:

(1) Applicant shall make himself available for investigation as may directed by the officer, in-charge of investigation;

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

(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 him from disclosing such facts to the Court or to the police officer;

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

(5) Upon submission of final report under Section 173 of Cr.P.C, the applicant shall furnish fresh personal bond and solvent surety of aforementioned amount to the satisfaction of the Trial Court, if so directed and thereafter, shall remain present on every date of hearing as may be directed by the concerned Court;

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

This order shall be effective till the end of trial. However, in case of breach of any of the pre-condition of bail, it shall become ineffective without reference to the Court.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

MKB