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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 9th OF JANUARY, 2024
MISC. CRIMINAL CASE No. 57418 of 2023**

BETWEEN:-

**RAJ KUMAR SHARMA S/O SHRI JAGDISH PRASAD
SHARMA, AGED ABOUT 38 YEARS, OCCUPATION:
SOCIETY MANAGER VIJAYPURAM COLONY DISTRICT
SHIVPURI (MADHYA PRADESH)**

.....APPLICANT

(BY MR. SANJAY KUMAR BAHIRANI - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION KARERA
DISTRICT SHIVPUR M.P. (MADHYA PRADESH)**

.....RESPONDENT

(BY MR. DINESH SAVITA - PUBLIC PROSECUTOR)

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

ORDER

This is the fourth application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail relating to FIR No.363 of 2020 registered at Police Station Karera, District Shivpuri (M.P.) for the offence under Sections 406, 409 and 34 of IPC.

Learned counsel for the applicant argued that present anticipatory bail application is filed under the changed circumstance that the concerned SHO has filed the report dated 02 Sep 2022 as per the directions of this Court in MCRC No. 52747 of 2022 filed by this petitioner for quashing of FIR registered against

him. According to this report, tag of Society was not found on the seized sacks of grains at the time of physical verification. Present FIR has been lodged against the applicant being the Manager of the Society. He has no direct connection with the offence. The seized bags of grains were not acquired grains. The FIR was lodged in a hurried manner without considering the relevant provisions of M.P. Cooperative Societies Act 1960. Further argument is that applicant is the reputed citizen of the society and has no criminal antecedents. If he is sent to jail, his reputation would be diminished. Hence, prayed to allow the anticipatory bail application of the applicant under this change circumstance.

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.

In the light of the report dated 02 Sep 2022 filed by the SHO, Police Station Karera, District Shivpuri, prosecution story becomes doubtful.

In view of the above, but without expressing any opinion on merits of the case, this application is allowed and it is directed that in the event of arrest, the applicant shall be released on bail on his executing 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 Arresting Officer/Investigating Authority.

The applicant shall further abide by other conditions enumerated under Section 438 (2) of the Code of Criminal Procedure and shall cooperate in the investigation.

Certified copy as per rules.

(SUNITA YADAV)
JUDGE

AKS

