IN THE HIGH COURT OF MADHYA PRADESH AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 5th OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 54124 of 2023

BETWEEN:-

TEJKUMAR JOSHI S/O RATANLAL JOSHI, AGED ABOUT 55 YEARS, OCCUPATION: AGRICULTURIST WARD NO. 15, VILLAGE BARAWADA, TEHSIL JAORA, DISTRICT RATLAM (MADHYA PRADESH)

.....APPLICANT

(SHRI ABHAY SARASWAT - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION BARAWADA, DISTRICT RATLAM (MADHYA PRADESH)

.....RESPONDENT

(SHRI AJAY RAJ GUPTA- PUBLIC PROSECUTOR)

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

ORDER

This is first application under Section 439 of the Cr.P.C. filed on behalf of the applicant in connection with Crime No.331/2023 registered at Police Station - Barawada Ratlam (M.P.) under Sections 420, 467, 468, 34 of IPC.

2. As per the prosecution case, on 26/09/2023, complainant Sitabai lodged a report before police against accused persons stating that she is a resident of Jaora, District Ratlam and stays with her son Nitesh. One Azhar Khan told the complainant his son Nitesh about accused applicant Tejkumar who wishes to sell his land located in village Badawada which is registered in

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the name of applicant's father Ratanlal and insisted the complainant and her son to purchase the said land. On the said proposal around 02 months ago, Azhar Khan took the complainant and her son to visit the land and went to Nagda road in village Badawada and finalized the land. Thereafter, complainant finalized the sale at the price of Rs 8,00,000/- (Rs Eight Lakhs) per Bigha and thus the total deal price was final at Rs 10,51,000/- for land bearing Survey no 18/14 total 0.405 hectare. In furtherance of the said deal, complainant's son Nitesh transferred Rs 40,000/- in the bank account of applicant's father Ratanlal and further deposit Rs 28,900/- in the bank account of applicant's father Ratanlal. Second installment of amount to the tune of Rs 07,82,000/- was handed over in cash to accused Ratanlal at the time of Registry and perform the registry of the said land in the name of complainant. Remaining Rs 02,00,000/- was handed over in cash to accused applicant Tejkumar and thus complainant and her son has paid total Rs 10,51,000/- to the accused persons for the said land. On 03/08/2023, when complainant and her son went to Tehsil office for Title Transfer of the said land, it came into their knowledge that the said land was sold to one Ratanlal s/o Hemraj in the year 1992 and despite this, the accused persons have again sold the said land to the complainant on 13/07/2023. On the said complaint, police registered crime against the accused persons and arrest the present applicant in this case.

3. Learned counsel for the applicant submits that so far the charges under section 467, 468 are concerned, the trial court has discharged the applicant and has framed only charge under section 420 of IPC. It is further submitted that the allegation against the applicant is only that he was present at the time of alleged transaction and some money was handed over to him. He is in jail since 20.10.2023. The investigation has been completed and the charge

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sheet has been filed.

4. Counsel for the State opposes the prayer for grant of bail and submits that there are as many as 11 criminal antecedents including the present case against the applicant. He is a habitual criminal.

5. After hearing learned counsel for parties and taking into consideration the allegation against the applicant and the fact that the investigation has been completed and the charge sheet has been filed, I am of the view that the applicant is entitled for grant of bail, however on certain conditions. Therefore, without expressing any view on the merits of the case, the application is allowed.

6. It is directed that Applicant- Tejkumar shall be released from custody upon furnishing a personal bond of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety of the like amount to the satisfaction of the court below on the following conditions :-

(i) that applicant shall not indulge in any offence during the pendency of trial and if he indulges in any offence during the bail, the prosecution may file an application for cancellation of bail and

(ii) the applicant shall mark his presence before the concerned police on every 15th day of the month during the pendency of trial.

7. A typed copy of this order is being forwarded to the Office of the Advocate General, on their email address, for intimation to the Police Station concerned. The office is requested to forward a copy of this order to the court below.

C.c. as per rules.

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(VIJAY KUMAR SHUKLA)
JUDGE

Sourabh

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