IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 2nd OF FEBRUARY, 2024

MISC. CRIMINAL CASE No. 3502 of 2024

BETWEEN:-

MAYANK KHATRI S/O SHRI RAJ KUMAR KHATRI, AGED ABOUT 35 YEARS, OCCUPATION: BUSINESSMAN ARJUNDEV COLONY POLICE STATION GWARIGHAT TEHSIL AND DISTRICT JABALPUR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI MANU V. JOHN - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH THE POLICE STATION PANAGAR DISTRICT JABALPUR (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI S.K. RAI - GOVERNMENT ADVOCATE)

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

ORDER

This is ***second*** application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR No.765/2023 registered at Police Station-Panagar, District-Jabalpur (M.P.) for the offence under Sections 417/420 of the IPC and Sections 3, 7 Essential Commodities Act and Sections 7, 12, 19 Fertilizer Control Order, 1985.

2. Learned counsel appearing for the applicant submitted that applicant is in jail since 23.10.2023. Applicant is innocent and has falsely been implicated in the case. Offences are not serious in nature. Other criminal antecedents of

Signature Not Verified
Signed by: SHABANA ANSARI
Signing time: 2/3/2024 11:24:55 AM

applicant is of similar offence which is said to have been committed by him. They are part of same offence and not separate offence. It is submitted that earlier application was withdrawn with liberty to file repeat application after completion of investigation. Investigation is compete and charge sheet has been filed. In these circumstances, applicant may be released on bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail. It is submitted that earlier also applicant is involved in committing similar offence. In these circumstances, applicant may not be released on bail.

4. Heard the counsel for the parties.

5. Considering the totality of aforesaid facts and circumstances, without commenting on the merits of the case, bail application filed by applicant is ***allowed*** *on condition that if applicant is found involved in any other offence in near future during bail then bail granted to him today shall stand cancelled and he be sent to the jail.*

6. It is directed that the applicant shall be released on bail on aforesaid condition on furnishing personal bond of ***Rs.50,000/- (Rs. fifty thousand only)*** with one solvent surety in the like amount to the satisfaction of the trial Court concerned for his regular appearance before Court on all such dates as may be fixed in this regard during pendency of trial.

7. The applicant shall also abide by the following conditions of Section 437 (3) of Cr. P. C. as under:-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit any offence similar to the offence of which he is accused, or suspected of the commission of which he is

Signature Not Verified
Signed by: SHABANA ANSARI
Signing time: 2/3/2024 11:24:55 AM

suspected and;

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. C.C. as per rules.

(VISHAL DHAGAT)
JUDGE

$A

Signature Not Verified
Signed by: SHABANA ANSARI
Signing time: 2/3/2024 11:24:55 AM