IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 23rd OF JANUARY, 2024

MISC. CRIMINAL CASE No. 55905 of 2023

BETWEEN:-

KRISHNA BUDHAWANE S/O SHRI RAMESH BUDHAWANE, AGED ABOUT 22 YEARS, OCCUPATION: FARMER R/O VILLAGE BANEGAON P.S. AND TEHSIL LANJI DISTRICT BALAGHAT (MADHYA PRADESH).

.....APPLICANT

(BY SHRI SANJAY SHARMA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION LANJI DISTRICT BALAGHAT (MADHYA PRADESH).

.....RESPONDENT

(BY SHRI NARENDRA CHOURASIA - GOVERNMENT ADVOCATE)

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

ORDER

This is the second bail application filed by applicant under Section 439 of Code of Criminal Procedure for grant of regular bail relating to FIR No. 374/2022, registered at Police Station-Lanji, District Balaghat (M.P.) for the offence punishable under Sections 21(1), 21(2) and 21(3) of Unregulated Deposit Scheme Banning Act, 2019 and Section 420 and 406 of Indian Penal Code.

2. Learned counsel appearing for the applicant submitted that applicant is ready to deposit Rs.1,00,000/- under protest. It is submitted that applicant is

Signature Not Verified
Signed by: VINOD KUMAR TIWARI
Signing time: 1/24/2024 2:05:41 PM

innocent. It is submitted that in similar cases accused persons have been released on bail subject to depositing the amount under protest. In these circumstances, applicant be released on bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail and submitted that offence is against public at large. Applicant is also having one more criminal antecedent.

4. Heard the learned counsel for the parties.

5. Applicant is in jail since 26.10.2022. Offence is punishable upto 7 years of imprisonment. Applicant is ready to deposit the defalcated amount of Rs. 1,00,000/-.

6. Considering the fact that applicant is ready to deposit defalcated amount, bail application filed by the applicant is ***allowed*** on following conditions :

> *(i) Applicant shall deposit an amount of Rs. 1,00,000/- before CJM concerned, which will be kept in form of FDR.*
>
> *(ii) Amount deposited by applicant will be subject to final judgment which will be passed by the trial Court.*

7. It is directed that the applicant shall be released on bail on production of receipt showing deposit of amount of Rs. 1,00,000/- and on his furnishing personal bond in the sum of **Rs.50,000/- (Rupees 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.

8. 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;*

Signature Not Verified
Signed by: VINOD KUMAR TIWARI
Signing time: 1/24/2024 2:05:41 PM

(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 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.

9. Certified copy as per rules.

(VISHAL DHAGAT)
JUDGE

vkt

Signature Not Verified
Signed by: VINOD KUMAR TIWARI
Signing time: 1/24/2024 2:05:41 PM