IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 9th OF JANUARY, 2024

MISC. CRIMINAL CASE No. 55941 of 2023

BETWEEN:-

JAGAN AHIRWAR S/O KHANJU AHIRWAR, AGED ABOUT 60 YEARS, R/O VILLAGE MOHTI, TEHSIL AND DISTRICT SAGAR (MADHYA PRADESH)

.....APPLICANT

(BY SHRI ROHIT MISHRA - ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION CANTT, DISTRICT SAGAR (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI PRAMOD CHOUBEY - GOVT. ADVOCATE)

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

ORDER

This is first application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR No.1155/2022 registered at Police Station-Cantt, District-Sagar (MP) for the offence under Section 3/7 of Essential Commodities Act and under Section 409 of Indian Penal Code.

2. Learned counsel appearing for the applicant submitted that applicant is in jail since 05.12.2023. Applicant is innocent and has falsely been implicated in the case. It is submitted that applicant is ready to deposit Rs.7,00,000/- under protest before the trial Court which may be subject to final judgment which will

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be passed by the trial Court in the case. In these circumstances, he prayed that 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 total allegation against the applicant is in respect of defalcation of Rs.13,88,290/-. Offence committed by applicant is serious in nature. In these circumstances, application deserves to be dismissed.

4. Heard the counsel for the parties.

5. Applicant is in jail since 05.12.2023. Applicant is ready to deposit Rs.7,00,000/- under protest to show his *bonafide*. Investigation is complete and charge sheet has been filed.

6. Considering aforesaid facts and circumstances of the case, without commenting on the merits of the case, bail application stands ***allowed*** on following conditions :

1. Applicant will immediately deposit ***Rs.2,00,000/- (Rs. Two Lacs Only)*** *under protest before concerned trial Court and rest of the amount i.e.* ***Rs.5,00,000/- (Rs. Five Lacs Only)*** *will be deposited within three months. Amount which will be deposited by the applicant shall be kept in FDR and same will be subject to final judgment passed by the trial Court.*

2. If applicant is not deposit the said amount within aforesaid period then bail granted to him today shall be treated to be cancelled and he be committed to the custody immediately.

3. No further application for modification of conditions of bail order will be entertained.

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7. It is directed that the applicant shall be released on bail on aforesaid conditions on furnishing personal bond of ***Rs.1,00,000/- (Rs. One Lac Only)*** with two solvent sureties 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;

(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.

C.C. as per rules.

(VISHAL DHAGAT)
JUDGE

sp/-

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