
(2021) 06 MP CK 0169

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.30459 Of 2021

Anchit Sharma S/O Kanhaiyalal Sharma

APPELLANT

Vs

State Of M.P

RESPONDENT

Date of Decision : 23-06-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(3), 439
Indian Penal Code, 1860 — Section 419, 420

Citation : (2021) 06 MP CK 0169

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Virendra Sharma, Amit Rawal

Final Decision : Allowed

Judgement

Vivek Rusia, J

This is third repeat application filed under section 439 Cr.P.C seeking bail in connection with Crime No.785/2020 registered at police station

Madhavnagar, district Ujjain for the offence punishable u/s 419, 420, 464, 468 IPC. The second bail application was dismissed vide order dated

3.3.2021 with liberty to renew the prayer after substantial progress in the trial.

As per the prosecution story, a written complaint was lodged by Tejkaran, Assistant Grade-III, Municipal Corporation, Ujjain that some persons have

got printed the bill book and pamphlets in the name of Municipal Corporation Dewas from the shop Saikripa Screen & Offset Printers, 11/1, Bhargav

Building, Guru Nanak Market unauthorizedly, therefore, an investigation be done. After registering the FIR under section 419 & 420 IPC police have

started an investigation. The police conducted a raid in the aforesaid printing press and arrested Vikas Bathera, who admitted his proprietorship of the

Saikripa Screen Printing Press. He has further disclosed that on 22.07.2020 near about 11 A.M one person came and introduced himself as officer of Municipal Corporation, Ujjain and ordered for printing of 5000 pamphlets. On giving an estimate of Rs.1,300/-, he has paid Rs.1,000/- in cash and he issued receipt No.704 in the name of Municipal Corporation, Ujjain to him. Thereafter he came on 24.07.2020 near about 04.00 P.M and made the payment of the remaining Rs.300/- and collected the 5000 pamphlets. He has also placed the order for printing of receipt book No.501 to 510, serial No.1 to 100. He gave an estimate of Rs.850/-, out of which he deposited Rs.500/- and asked him to collect the same after 3-4 days. On the basis of the aforesaid statement, the police enquired about the present applicant and found that he was staying in Abhinandan Palance Hotel near Mahakal in room No.301 and he disclosed that on 12.07.2020 in his memorandum statement that he visited Mahakal Mandir and he was fined with Rs.100/- as he was not wearing the mask then an idea came into his mind to get the receipt printed and collect this amount from the public. Thereafter he enquired about the printing press and got printed the pamphlets and the receipt. He also took an activa scooter on rent. On his disclosure, the police have recovered both the original receipts issued by co-accused Vikas and 5000 printed pamphlets. The police have also made accused Vikas and recovered the printed receipts from serial No.501 to 510 from his press. The police have also arrested another accused viz. Manoj More and seized the printing machine.

Learned counsel for the applicant submits that he himself is appearing on behalf of the applicant in the trial court and after 3.3.2021 the Court proceedings are held-up, hence there is no progress in the trial. The applicant is in jail since last almost one year. The maximum sentence for the offence is up to 7 years. He has no criminal past. There is no progress in trial due to corona epidemic, hence prays for release of the applicant on bail.

Learned counsel for the State opposes the prayer by submitting that applicant is a resident of Rajasthan and if he is released on bail he will not attend the trial.

Looking to the facts and circumstances of the case and the arguments advanced by the counsel for the applicant, without commenting on the merit of the case the application is allowed in part with conditions. The applicant is

directed to be released on bail temporarily for a period one year on his furnishing a personal bond in the sum of Rs.40,000/- (Rupees Forty Thousand) with two solvent sureties of the like amount (out of which one local surety) to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the Court concerned during trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C. The applicant shall also appear before the concerned police station on the first Monday of every month during the bail period of one year.

Before releasing the applicant from the custody the jail authorities are directed to medically examine him in order to rule out the possibility of COVID-19 infections and shall comply with the direction given by the Hon'ble Apex Court in Writ Petition No. 1/2020.

C.c as per rules.