
(2022) 10 MP CK 0002

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.48568 Of 2022

Dr. Sudarshan Bhandar And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 04-10-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 482

Indian Penal Code, 1860 — Section 120B, 420, 423, 504, 506

Citation : (2022) 10 MP CK 0002

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : Devaasheesh Dubey

Final Decision : Allowed

Judgement

Subodh Abhyankar, J

This is the applicants' FIRST application under Section 438 read with Section 482 of Criminal Procedure Code, 1973 for grant of transit anticipatory bail, as the present applicants are apprehending their arrest in connection with Complaint Case No.805/2020 registered [at Police Station Kotwali Lalitpur, District Lalitpur (UP)] on a private complaint made by respondent No.3 (Sumatchand Jain S/o Late Shri Mankichand Jain) before the Chief Judicial Magistrate, Lalitpur, District Lalitpur (UP) for commission of offences punishable under Sections 420, 423, 120-B, 504 and 506 of the Indian Penal Code, 1860 (IPC).

In brief, the facts of the case are that Sumatchand Jain, the respondent No.3 herein has filed a private complaint against the present applicants in the Court of Chief Judicial Magistrate, Lalitpur (Uttar Pradesh), who, vide its order dated 24.12.2021 (Annexure A/1), in Criminal Case No.805/2020 has taken cognizance of offences, as aforesaid.

The case of the applicants is that after receiving the summons, both the applicants were shocked; and in fact, applicant has also suffered a brain stroke,

his medical documents regarding which, including the CT-Brain Stroke Protocol and his discharge summary dated 25.09.2022, have also been placed on record, and applicant No.2, who is the wife of applicant No.1 is also suffering from old aged diseases (documents regarding which have also been placed on record) and has been advised bed-rest, due to the condition of her spine.

Counsel for the applicants has fairly submitted that although the original complaint / case has been lodged with mala fide, as admittedly, the property in question is in Indore, District Indore (MP) only, whereas the complaint has been lodged in the Court at Lalitpur (UP), but presently, the applicants are only seeking transit anticipatory bail, so that the applicants, who are reputed doctors of Indore and are already shaken, can approach the concerned Court or the High Court at Allahabad (UP) to get the anticipatory bail.

Counsel for the respondent / State of Madhya Pradesh, on the other hand, has opposed the prayer and it is submitted that the case diary is not available with him however, on perusal of the impugned order, it appears that the applicants are involved in defalcation and violation of conditional settlement / agreement.

Heard learned counsel for the parties and perused the documents filed by the applicants.

From the record, it is found that both the applicants herein are the husband and wife and both of them are doctors. It appears that they had entered into an agreement with the opposite party in relation to a plot in Village Kanadiya, District Indore (MP). Admittedly, the complaint regarding the aforesaid transaction has been lodged at Lalitpur (UP) and thus, considering the nature of the offence, as also the status of the present applicants as both of them are not only doctors, but are old aged persons, and are suffering from various diseases as aforesaid, this Court finds it expedient to allow the present transit anticipatory bail application for a period of 45 (forty five) days only, so as to enable the applicants to approach the concerned Court at Lalitpur (UP) or the Competent Court for their anticipatory bail.

Accordingly, this application is allowed. It is directed that in the event of their arrest in connection with Complaint Case No.805/2020, registered in the Court of the Chief Judicial Magistrate, Lalitpur, District Lalitpur (UP) for commission of offence punishable under Sections 420, 423, 120-B, 504 and 506 of IPC, applicant No.1 Dr. Sudarshan Bhandari S/o Late Shri Motilal Ji Bhandari and applicant No.2 Dr. Pornima Bhandari W/o Dr. Sudarshan Bhandari shall be released on bail, upon each of them executing a personal bond in the sum of Rs.50,000/- (rupees fifty thousand only) to the satisfaction of the Arresting Officer (Investigating Officer).

This transit bail is valid for a period of 45 (forty five) days only and within that period, the applicants are directed to approach appropriate forum for seeking appropriate relief.

Accordingly, Miscellaneous Criminal Case No.48568/2022 stands allowed.

IA No.13423/2022, an application for urgent hearing; IA No.13422/2022, an application for exemption of service of advance copy to the Advocate General Office, Uttar Pradesh; and IA No.13421/2022, an application for ignoring defect stand disposed of. Certified copy as per rules.