
(2023) 03 MP CK 0010

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 9900 Of 2023

Halker Am Mehar And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 01-03-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 437(2), 439
Indian Penal Code, 1860 — Section 34, 120B, 406, 420, 467, 468, 471,

Citation : (2023) 03 MP CK 0010

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : Ambuj Jain, L.A.S. Baghel

Final Decision : Allowed

Judgement

Sanjay Dwivedi, J

This is first application on behalf of the applicants under Section 439 of the Code of Criminal Procedure for grant of bail.

Applicants are in custody since 15.02.2023 in connection with Crime No. 455/2022 registered at Police Station Berasiya, District Bhopal for the offence punishable under Sections 406, 420, 467, 468, 471, 120-B and 34 of the Indian Penal Code.

Learned counsel for the applicants submits that as alleged applicant No.1 is a guarantor in the present case. He submits that as per the allegation, the applicant No. 2 raised a loan from Mahindra and Mahindra Financial Service Ltd. and got a tractor financed. He submits that thereafter the applicants prepared forged documents such as NOC and that the tractor is not under hypothecation and on the basis of the said forged documents they obtained a loan from Shri Ram Finance Company Limited also showing that the said tractor is free from finance/loan and other liabilities and as such they have committed a fraud with both the companies. Counsel submits that applicants have already cleared all the

loan of Mahindra and Mahindra Financial Service Ltd. and also of Shri Ram Finance Company Ltd. and therefore now keeping the present applicants in jail is of no use. He submits that other co-accused person has already been granted anticipatory bail by this Court. Upon such submission, counsel prays that applicants may also be granted bail.

Learned counsel for the respondent/State has opposed the bail application and submitted that looking to the conduct of the applicants, they are not entitled to be released on bail.

Considering the submission made by the learned counsel for the parties and the fact that applicants have cleared all the outstanding loan of both the companies, I am inclined to consider and allow this application. Accordingly, it is allowed.

It is directed that applicants be released on bail upon their furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac) each with one solvent surety of the like amount each to the satisfaction of the trial Court concerned for their appearance on the dates given by it.

It is further directed that the applicants shall abide by the conditions enumerated in Section 437(3) of the Code of Criminal Procedure.

Certified copy as per rules.