

(2022) 01 MP CK 0017

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.64158 Of 2021

Jitendra And Kamal

APPELLANT

Vs

State Of MP

RESPONDENT

Date of Decision : 05-01-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)
Indian Penal Code, 1860 — Section 34, 420

Citation : (2022) 01 MP CK 0017

Hon'ble Judges : Satyendra Kumar Singh, J

Bench : Single Bench

Advocate : Rahul Sharma, Harshlata Soni

Final Decision : Allowed

Judgement

Satyendra Kumar Singh, J

This is the first application filed under section 438 of the Cr.P. C. for grant of anticipatory bail to the applicants, who are apprehending their arrest in

connection with Crime No.450/2021 registered at Police Station Ghatia District Ujjain for commission of offences punishable under Sections 420/34 of

IPC.

Prosecution story, in brief, is that applicants along with other co-accused persons with an intent to cheat government sold their irrigated agricultural

land to the purchaser mentioning the same as unirrigated in the sale deed executed by them and did not deposited the Registration fees, accordingly.

Learned counsel for the applicants submits that applicants are illiterate men and the said sale deed was not got prepared by them, it is the purchaser,

who are the real beneficiaries in the matter and they got prepared the sale deed. It is further submitted that the other co-accused persons have already

been granted anticipatory bail by this Court vide order dated 8.12.2021 passed in MCRC.No.59724/2021 (Kalabai and Lila Bai Vs. State of M.P.)

Applicants' case is similar to that of co-accused persons Kalabai and Lila bai. Applicants are innocent and have been falsely implicated in the matter.

Applicant no.1 Jitendra and Applicant no. 2 Kamal are ready to deposit the deficit Registration fees amounting to Rs.39,399/- and Rs.55,564/-

respectively under protest. Their custodial interrogation is not required and they are prepared to cooperate in the investigation. Therefore, applicants

be enlarged on anticipatory bail.

Per-Contra, learned counsel for the State opposes the prayer and submits that applicants knowing the fact that their land are irrigated, mentioned the

same in the sale deed as unirrigated and committed cheating but fairly concedes that the other co-accused persons have already been granted bail by

this Court vide order dated 8.12.2021 passed in MCRC.No.59724/2021. Offences alleged against the applicants are serious in nature, therefore, they

are not entitled for grant of anticipatory bail.

Having considered the rival submissions, material pointed out by the learned counsel for the applicants, nature of allegation alleged against the

applicants and the fact that the other co-accused persons have already been granted anticipatory bail by this Court vide order dated 8.12.2021 passed

in MCRC.No.59724/2021 and also considering the other facts and circumstances of the case, I am of the considered view that it is a fit case for grant

of anticipatory bail to the applicants Jitendra and Kamal but subject to depositing of Rs.39,399/- (Rupees Thirty nine thousand three hundred and

ninety nine only) and Rs.55,564/- (Rupees Fifty Five thousand Five hundred and sixty four only) respectively before the trial Court. Hence, without

expressing any opinion on merits of the matter, this bail application for anticipatory bail under section 438 of the Code of Criminal Procedure, filed on

behalf of applicant, is allowed by imposing certain condition.

It is directed that, subject to depositing an amount of Rs.39,399/- (Rupees Thirty nine thousand three hundred and ninety nine only) and Rs.55,564/-

(Rupees Fifty Five thousand Five hundred and sixty four only) respectively in the concerned Court, in the event of their arrest, the applicant no.1

Jitendra and applicant no.2 Kamal shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs.50,000/-(Rupees Fifty

Thousand only) each and solvent surety each in the like amount to the satisfaction of the Arresting Officer for their appearance before Investigating

Officer on all dates and for complying with the conditions enumerated in subsection (2) of Section 438 of the Code of Criminal Procedure.

The aforesaid deposit amount be kept in the form of FDR in any nationalized Bank in order to fetch highest rate of interest and the same shall be disbursed to the applicants as per the final conclusion of the trial.

This petition is allowed and disposed off with the aforesaid directions.

Certified copy as per rules.