

(2021) 02 MP CK 0056

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.7033 Of 2021

Krisn Pal And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 08-02-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 406, 409, 420, 467, 468, 471

Prevention Of Damage To Public Property Act, 1984 — Section 3

Citation : (2021) 02 MP CK 0056

Hon'ble Judges : Rajeev Kumar Dubey, J

Bench : Single Bench

Advocate : H.S. Rajput, Devendra Shukla

Final Decision : Allowed

Judgement

Rajeev Kumar Dubey, J

This is first application filed under section 439 Cr.P.C. for grant of bail. Applicants Krishn Pal & Rajpal were arrested on 18/01/2021 in connection

with Crime No.384/2020 registered at Police Station Jatara, District Teekamgarh for the offence punishable under Section 406, 409, 420, 467, 468,

471, 34 of IPC and Section 3 of the Prevention of Damage to Public Property Act.

As per prosecution case, on 16.10.2020 Anand Shukla Chief Executive Officer, Janpad Panchayat, Jatara lodged a report at P.S. Jatara averring that

the Janpad Panchayat, Jatara is having a bank account located at SBI branch, Jatara and the said account was operated by co-accused Gyarsilal

Ahirwar and Anand Shukla (both Assistant Development Officers). Vide notification dated 16.04.2018 issued by Panchayat Rural Development

Department it was directed that the amount from any of the Janpad Panchayat

account shall only be withdrawn by the digital signature of Panch

Parmeshwar. Even then, co-accused Gyashilal Ahirwar and Anand Shukla withdrew the amount from the said account and transferred to the account

of applicants Krishna Pal & Rajpal and co-accused Sunil Raikwar, Majid Khan, Meharwan Singh, Fatima Bano Rakesh Sahu, Ramnath Gosh

Khushboo Raja, Rubi Raja, Pratap Singh Solanki, Prahlad Singh, Sunil Ahirwar, Roshan Singh, Urmilla Singh, Meharban Singh, Hardayal Ahirwar,

Kallan Yadav, Anup Singh and Bhumani Yadav. The specific allegation against the applicants are that the amount of Rs.2,00,000/- each was

transferred in the account of applicants illegally, which was withdrawal by them.

Learned counsel for the applicants submits that the applicants are innocent and have falsely been implicated in this case. It is further submitted that

applicants have already deposited Rs.2,00,000/- each in the account of Janpad Panchayat, Jatara. Even then, the applicants are ready to deposit the

amount of Rs.2,00,000/- each (total Rs.4,00,000/-) under protest. The applicants have been in custody since 18/01/2021 and the conclusion of trial will take time hence, prayed for release of the applicants on bail.

Â Learned counsel for the State opposed the prayer.

Â Looking to the facts and circumstances of the case and the fact that the applicants are ready to deposit the amount of Rs.2,00,000/- each (total

Rs.4,00,000/-) under protest, they are in custody since 18/01/2021 and conclusion of trial will take time, without commenting anything on the merits of

the case, the application is allowed and the applicants are directed to be released on bail subject to depositing a sum of Rs.2,00,000/- each (total

Rs.4,00,000/-) in fix deposit in any nationalized bank and on depositing receipts of that F.D. before the concerning Court and on furnishing personal

bond in the sum of Rs.50,000/- (Rs. Fifty Thousand Only) each with one surety each in the like amount to the satisfaction of the concerned C.J.M/trial

Court for their appearance before the trial Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

Â This order will remain operative subject to compliance of the following conditions by the applicants :-

Â 1. The applicants will comply with all the terms and conditions of the bond executed by them;

Â 2. The applicants will cooperate in the trial;

Â 3. The applicants will not indulge themselves in extending inducement, threat or promise to any person acquainted with the fact of the case so as to

dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;

Â 4. The applicants shall not commit an offence similar to the offence of which they are accused;

5. The applicant will not seek unnecessary adjournments during the trial; and

6. The applicants will not leave India without prior permission of the trial Court.

The amount so deposited by the applicants in fixed deposit, shall be subject to final outcome of the case.

C.C. on payment of usual charges.