

(2024) 01 MP CK 0027

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 58046 Of 2023

Munna Kha And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 02-01-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438, 438(2)

Indian Penal Code, 1860 — Section 34, 120B, 409, 420, 467, 468, 471

Citation : (2024) 01 MP CK 0027

Hon'ble Judges : Pranay Verma, J

Bench : Single Bench

Advocate : Manoj Saxena, Huwan Deshmukh

Final Decision : Allowed

Judgement

Pranay Verma, J

1. They are heard. Perused the case dairy/challan papers.
2. This is first bail application filed by the applicants under Section 438 of Cr.P.C. for grant of anticipatory bail. The applicants are apprehending their arrest in connection with Crime No.85/2022, registered at Police Station Susner, Distt. Agar (Malwa), for the offences punishable under Sections 420, 467, 468, 471, 120-B and 409/34 of the IPC.
3. As per the prosecution, a complaint was made by Shri Umer Singh Bhilala, revenue inspector, Susner to the effect that co-accused Satendra Vyas was working on the post of Patwari, Susner at the relevant time. He manipulated the revenue records as a result of which the agricultural land belonging to Balibai came to be recorded in the name of Mohammed Khan. Balibai continued to make efforts for correction of the revenue records but Satendra Vyas did not do anything in that regard and thereby illegally benefited Mohammed Khan. On the basis of the allegations that the applicants have also colluded with Satendra, they have been implicated for the present offence.

4. Learned counsel for the applicants submit that applicants are innocent and they have falsely been implicated in the case. Applicants No.1 to 3 are sons of Mohammed Khan whereas the applicant No.4 is the son of applicant No.1. The main accused in the case namely Satendra Vyas has already been granted the benefit of anticipatory bail by this Court by order dated 27/9/2022 in M.Cr.C.No.45753/2022. The case of the applicants is on a better footing than him. In any case the revenue entries have been corrected by order dated 16/12/2021 by the Sub Divisional Officer and Balibai has been again recorded over her land. It is hence submitted that the applicants be also granted the benefit of anticipatory bail.

5. Learned counsel for the respondent/State has opposed the prayer and has prayed for rejection of the anticipatory application.

6. I have heard the learned counsel for the parties and have perused the case diary.

7. The main accused in the case appears to be Satendra Vyas who has already been granted the benefit of anticipatory bail by order dated 27/9/2023 in M.Cr.C.No.45753/2022. Moreover similarly situated co-accused Razak Mohammed who is also son of Mohammed Khan has also been granted the said benefit by order dated 22/12/2023 in M.Cr.C.No.56672/2023. Thus in my opinion, on the ground of parity, the applicants also deserve to be granted the benefit of anticipatory bail.

8. It is directed that in the event of arrest of applicants by the Arresting Officer, they shall be released on bail subject to their furnishing a personal bond in the sum of Rs.50,000/- each with one solvent surety each of like amount to the satisfaction of the Arresting Officer (Investigating Officer).

9. The applicants shall make themselves available for interrogation by a Police Officer, as and when required. Applicants shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Cr.P.C.

10. This order shall be subject to the condition that the applicants shall appear before the trial court on the next date of hearing fixed before it and shall furnish her bail bonds.

11. Accordingly, Miscellaneous Criminal Case No.58046/2023, stands allowed.

Certified copy as per rules.