
(2023) 08 MP CK 0102

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 36146 Of 2023

Ramprakash Prajapati

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 16-08-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 420

Citation : (2023) 08 MP CK 0102

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Prasum Kumar Maheshwri, R.K.Awasthi

Final Decision : Allowed

Judgement

Sunita Yadav, J

This is the first application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail relating to FIR No. 233 of 2023 registered at Police Station Inderganj, District Gwalior (M.P.) for the offence under Sections 420, 34 of the I.P.C.

The allegation levelled against the applicant is that he impersonated himself as an advocate and tried to cheat litigants.

Learned counsel for the applicant argued that the applicant is innocent and has been falsely implicated. He is in custody since 02.06.2023. After conclusion of investigation, charge sheet has been filed; therefore, no further custodial interrogation is required any more. There is no cogent evidence on record that applicant cheated to any person. The case is triable by Judicial Magistrate First Class. Learned counsel for the applicant has invited attention of this Court that co-accused Mahendra Singh Chauhan has already been granted the benefit of bail vide order dated 9.8.2023 passed in M.Cr.C. No.34389/2023; therefore, he seeks parity. He is permanent resident of District Gwalior (M.P.) and there is n o

possibility of his absconding or tempering with prosecution case. On these grounds, he prays for grant of bail to the applicant.

Per contra, learned counsel for the State vehemently opposed the bail application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) with a solvent surety in the like amount to the satisfaction of the trial Court/committal Court.

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

- 1) The applicant will comply with all the terms and conditions of the bond executed by him;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;
- 3) The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
- 4) The applicant will not commit any other offence or will not repeat the offence in future. In case, if he/she is found involving in the offence of same nature, this bail order shall stand cancelled automatically without further reference to the Bench.
- 5) The applicant will not seek unnecessary adjournments during the trial; and
- 6) The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

Learned State counsel is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible, by the office of this Court.

Certified copy as per rules.