

(2021) 01 MP CK 0116

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No.4074 Of 2021

Yogesh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 27-01-2021

Acts Referred:

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

Citation : (2021) 01 MP CK 0116

Hon'ble Judges : Vishnu Pratap Singh Chauhan, J

Bench : Single Bench

Advocate : Anil Kumar Tiwari, Harsh Gupta

Final Decision : Dismissed

Judgement

Vishnu Pratap Singh Chauhan, J

Heard on this first bail application under Section 439 of Cr.P.C.

filed on behalf of the applicant-Yogesh.

The applicant is in jail since 18/11/2020 in connection with Crime No. 807/2020, registered at Police Station Kotwali, Khandwa, District-Khandwa, for

commission of offence punishable under Section 420 of IPC.

The case of the prosecution, in short, is that, the applicant deposited Rs. 60,000/- to Central Motors and also provided the delivery order letter No

2782/Kandwa/153 dated 17/01/2020 to the dealer and received a possession of the four-wheeler (Bolero) vehicle presently registered as MP12T1780.

Later on, when the dealer found that the bank has not deposited the money, he contacted the Bank Manager of the concerned bank and found that no

file is available with the bank pertains to the above said delivery order, at the

relevant period of time the Bank Manager Shishupal was posted. When the dealer found cheated himself, he lodged a report at police station.

Learned counsel appeared for the applicant submits that the applicant is a bonafide purchaser. He applied for Prime Minister Scheme for getting a

vehicle for business at District Industry Centre, Khandwa and received a delivery order vide letter dated 17/01/2020 from Andhra Bank and submitted

that letter and also deposited the amount of Rs. 60,000/- for receiving the possession of the vehicle. Later on, when the applicant found that the bank

has not fixed the monthly installment, he wrote a letter dated 24/09/2020 to the Bank Manager. A photocopy of that letter is submitted as Annexure-

A/2. The applicant is not involved in such type of forgery and he is in jail since 18/11/2020, therefore, it is prayed to enlarge the applicant on bail.

On the other hand learned Panel Lawyer for the respondent-State vehemently opposed the application.

Having heard learned counsel for both the parties. No doubt, when the investigation started by the Investigating Officer, the Investigating Officer not

found any papers pertain to sanctioning of loan in District Industries Centre Khandwa. No proceeding was initiated for granting loan to the applicant in

bank and the applicant did not deposit the amount of Rs. 60,000/- in bank. He directly deposited Rs. 60,000/- at Central Motors and also presented a

delivery order letter dated 17/01/2020. It is made clear here that whenever any loan is sanctioned to anyone by the Bank he is immediately informed

about the monthly installment which is to be paid for repayment of the loan. The counsel for the applicant clearly stated that the Bank did not fix any

monthly installment for repayment of the loan and the applicant wrote a letter dated 24/09/2020 to that effect to the Bank Manager, when this fact

came in the knowledge of the Central Motors that no loan proceedings have been initiated in regard to the delivery order letter No.

2782/Khandwa/153 dated 17/01/2020. There is no explanation forwarded by the applicant that why, he has not written the letter to the bank for

monthly installment immediately, when he received the possession of the vehicle on 18/01/2020.

No doubt, there is a prima facie evidence available against the applicant that applicant is actively connected with this forgery. Hence, this Court is not

inclined to release the applicant on bail.

Consequently, this application for bail under Section 439 of the of Criminal Procedure filed on behalf of applicant stands dismissed

Learned counsel for the applicant also informed that applicant filed an application previously under Section 438 of Cr.P.C. for anticipatory bail,

registered as M.Cr.C. No. 48905/2020 and that proceeding is pending, another Advocate is engaged in that case.

Office is directed to do the needful.