

Amardeep vs The State Of Madhya Pradesh on 17 October, 2024

Author: Maninder S. Bhatti

Bench: Maninder S. Bhatti

NEUTRAL CITATION NO. 2024:MPHC-JBP:51866

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE MANINDER S. BHATTI
ON THE 17th OF OCTOBER, 2024
MISC. CRIMINAL CASE No. 44396 of 2024
AMARDEEP
Versus
THE STATE OF MADHYA PRADESH
Appearance:
Shri Ramesh Tamrakar - Advocate for the applicant.
Ms. Shanti Tiwari - Panel Lawyer for the State.

ORDER

This is first bail application filed by the applicant under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (Section 438 of Cr.P.C.) for grant of anticipatory bail relating to FIR/Crime No.360/2024 dated 23.7.2024 registered at Police Station Dehat, District Chhindwara for the offences punishable under Sections 420/34, 334 of the Indian Penal Code and Section 292 (C)(3) of the M.P. Nagar Palika Adhiniyam, 1956.

2. The counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. The sole allegation against the applicant is as regards alienation of the property without there being any order of diversion. It is undisputed that the present applicant has Registration Certificate as colonizer dated 15.11.2022. The property, according to the prosecution, was alienated on 17.11.2022 and the order of diversion was passed on 3.3.2023, therefore, it is apparent that there is no illegality in the transaction carried out. It is further submitted that similarly placed co-

NEUTRAL CITATION NO. 2024:MPHC-JBP:51866 2 MCRC-44396-2024 accused namely Smt. Arunprabha Shrivastava has already been enlarged on anticipatory bail by this Court vide order dated 27.9.2024 passed in M.Cr.C. No.41675 of 2024. It is further submitted that the applicant is ready to cooperate in the investigation and trial. Therefore, the applicant be enlarged on anticipatory bail.

3. The counsel for the State has opposed the application and submitted that before passing of order of diversion, the property was sold by the applicant therefore, there is violation of the provisions of the M.P. Municipal Corporation Act, 1956, therefore, the applicant is not entitled to be enlarged on anticipatory bail.

4. Heard the submissions and perused the case diary.

5. Looking to the totality of the facts and circumstances of the case and nature of allegation levelled against the present applicant and the fact that similarly placed co-accused has already been enlarged on anticipatory bail, this Court finds it to be a fit case to release the applicant on anticipatory bail. Therefore, without commenting on the merit of the case, the application is allowed.

6. It is directed that in the event of arrest, applicant Amardeep shall be enlarged on anticipatory bail on furnishing a personal bond in a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like amount to the satisfaction of the Arresting Officer/Investigating Officer for his appearance before him during course of investigation or before the trial Court during course of trial, as the case may be, on all such dates as may be fixed in this regard during the pendency of trial.

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7. It is further directed that the applicant shall comply with the provisions of Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(MANINDER S. BHATTI) JUDGE PB