

Ramashankar Agarwal vs The State Of Madhya Pradesh on 15 January, 2025

NEUTRAL CITATION NO. 2025:MPHC-GWL:707

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IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE VIVEK JAIN
ON THE 15th OF JANUARY, 2025
MISC. CRIMINAL CASE No. 84 of 2025
RAMASHANKAR AGARWAL
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Shri Sanjay Kumar Bahirani, learned counsel for the a

Shri Sammer Ghuriya, Public Prosecutor for respondent

Shri Rudra Pratap Singh Kaurav, learned counsel for t

ORDER

The present application has been filed under Section 482 of Bhartiya Nagrik Suraksha Sanhita Adhiniyam, 2023/438 Cr.P.C. for grant of anticipatory bail to the applicant arising out of Crime No.290 of 2024 registered at Police Station Physical District Shivpuri (M.P.) for offences punishable under Sections 420, 467, 468, 471 of IPC.

2. It is contended by learned counsel for the applicant that the complainant is real uncle of the applicant and the allegation is that the applicant has manufactured a forged Will of his Grandmother in his favour, which is dated 24/08/2006 while the Grandmother expired 3-4 days after executing the said Will, which is stated to be forged. It is contended that even as per the FIR, the knowledge of the alleged Will came into the notice of complainant in the year 2022 when proceedings for mutation of the house in municipal record were going on, despite which the FIR has been lodged on written complaint NEUTRAL CITATION NO. 2025:MPHC-GWL:707 2 MCRC-84-2025 made by the complainant on 11/12/2024. It is further contended by learned counsel for the applicant that the dispute is between the members of the family and even the alleged Will is witnessed by all the four children of the testator including the complainant as well as by the father of the present applicant. The children of the testator had executed an affidavit in the year 2012 admitting the execution of the Will by their deceased mother though now the said affidavit is also being alleged to be forged document.

3. It is contended that it is a dispute between members of the family and relates to execution of a Will by Grandmother of the present applicant leaving out her children and now the uncle of the

present applicant is objecting to the said Will and the Will was alleged to be executed almost 19 years ago. Even the uncle was having knowledge of the Will even as per FIR atleast from the year 2022. The counsel for the applicant further submitted that the father of the applicant has been trying to get one house vacated (not the house questioned in the Will) from the complainant since many years and this is also one of the reasons leading to lodging of the FIR. He undertakes to cooperate in investigation and trial if he is granted the benefit of anticipatory bail.

4. Per contra, counsel appearing for the State as well as counsel for the complainant have opposed the application for bail by stating that the signatures of the complainant and the sisters of the complainant on the alleged Will are forged signatures and that the applicant has manufactured a forged Will leaving out the present complainant and his sisters.

5. Considering the aforesaid rival submissions and also considering the position that the dispute relates to a dispute between members of the same NEUTRAL CITATION NO. 2025:MPHC-GWL:707 3 MCRC-84-2025 family, this Court is inclined to grant benefit of anticipatory bail to the applicant. In the event of arrest, the applicant is directed to be released on bail on furnishing a surety bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one surety in the like amount to the satisfaction of Arresting Officer.

6. The applicant shall abide by the conditions enumerated under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

7. Application stands allowed.

8. Certified copy as per rules.

(VIVEK JAIN) JUDGE RS