

# Lakhan Soni vs The State Of Madhya Pradesh on 10 September, 2024

**Author: Vishal Dhagat**

**Bench: Vishal Dhagat**

NEUTRAL CITATION NO. 2024:MPHC-JBP:45492

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IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE VISHAL DHAGAT  
ON THE 10th OF SEPTEMBER, 2024  
MISC. CRIMINAL CASE No. 36148 of 2024  
LAKHAN SONI  
Versus  
THE STATE OF MADHYA PRADESH  
Appearance:  
Shri Manish K. Jain - Advocate for applicant.  
Shri Akshay Namdeo - Govt. Advocate for respondent-State.

## ORDER

This is the first bail application filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 on behalf of applicant for grant of regular bail relating to FIR No.51/2017, registered at Police Station-Biaora, District Rajgarh (M.P.) for the offence punishable under Sections 420, 409, 120-B, 34 of IPC & Section 6 of Madhya Pradesh Nikshepakon Ke Hiton Ka Sanrakshan Adhiniyam.

2. Learned counsel appearing for applicant submitted that co-accused in the case namely Harish Sharma has been enlarged on bail vide order dated 23.01.2024 in M.Cr.C.No.426/2024. Said accused was granted bail as he was in jail for last seven years. It is submitted that offence under Section 409 may not be made out against applicant. Other offences are punishable upto seven years imprisonment. Applicant is in jail since 07.02.2017. In these circumstances, applicant be released on bail.

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3. Learned Government Advocate appearing for the respondent/State opposed the application for grant of bail. It is submitted that applicant is Director and is shareholder of the Company. He has misappropriated the investment of public at large. Offence under Section 409 of IPC will also be made out as applicant was custodian of money of investors. He has misappropriated the same for

his own use, therefore, applicant may not be granted bail.

4. Heard the learned counsel for the parties.

5. Co-accused has been released on bail vide order dated 23.01.2024. Applicant is also in jail since 07.02.2017 for about seven years.

6. Considering facts and circumstances of the case, bail application filed by the applicant is allowed. It is directed that applicant shall be released on bail on furnishing a bail bond in the sum of Rs.1,00,000/- (Rupees One Lac Only) with two solvent sureties in the like amount to the satisfaction of the trial court for his regular appearance before Court on all such dates as may be fixed in this regard during pendency of trial.

7. The applicant shall also abide by the following conditions of Section 480 (3) of B.N.S.S. as under:-

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter;

(b) that such person shall not commit any offence similar to the offence of which the is accused, or suspected of the commission of which they are suspected and;

(c) that such person shall not directly or indirectly make any NEUTRAL CITATION NO. 2024:MPHC-JBP:45492 3 MCRC-36148-2024 inducement, threat or promise to any person acquainted with the facts of the case as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. C.C. as per rules.

(VISHAL DHAGAT) JUDGE nd