

Suresh Jat vs The State Of Madhya Pradesh on 25 November, 2024

Author: Subodh Abhyankar

Bench: Subodh Abhyankar

NEUTRAL CITATION NO. 2024:MPHC-IND:33553

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MC

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR
ON THE 25th OF NOVEMBER, 2024
MISC. CRIMINAL CASE No. 47683 of 2024
SURESH JAT
Versus
THE STATE OF MADHYA PRADESH

Appearance:

Shri Shri Ajay Bagadia , learned senior counsel with Sh
Singh Chouhan, learned counsel for the petitioner .
Shri Deepak Kumar Rawal, learned counsel for the respon
[COMP].
Shri Govind Pal Singh Songara, learned counsel for the
[OBJ].
Shri L. Shunondo Chandiramani, learned counsel for the
[OBJ].
Shri Ashirwad Joshi, learned counsel for the respondent
Shri Gyanendra Sharma, learned counsel for the responde
Shri Vishal Singh Panwar, learned counsel appearing on
Advocate General.

ORDER

1] This is the second application under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023. The applicant is implicated in connection with Crime no. 346/2024 registered at police station Sanwer, District Indore NEUTRAL CITATION NO. 2024:MPHC-IND:33553 2 MCRC-47683-2024 (M.P.) for offence punishable under Sections 420, 409, 406, 120-B of the Indian Penal Code, 1860 under Section 61 of the Panchayat Raj Avam Gram Swarajya Adhiniyam, 1993.

2] Applicant's earlier bail application-M.Cr.C.26914/2024 was dismissed by this Court on merit vide its order dated 18.07.2024, however, with liberty to renew his prayer after the charges are framed

against him.

3] Shri Ajay Bagadia, learned senior counsel for the applicant has submitted that the charges have been framed against the applicant and Section 409 of the I.P.C., although initially mentioned in the FIR, has been dropped against him. It is further submitted that the applicant has been falsely implicated in the case, as he is a rustic villager and has been embroiled in the case by the other co-accused- Ramesh Choudhary of Tholiya Construction, who had entered into an agreement with the applicant and had paid only a sum of around Rs. 40 Lakhs to him, and on the basis of which, the said Ramesh Choudhary has also executed a forged power of attorney to sell the plots of the applicant's land, which was to be developed by the Tholiya Construction. It is also submitted that the applicant is lodged in jail since 21.6.2024, and the final conclusion of the trial is likely to take sufficiently long time.

4] Shri Bagadia has also submitted that since the charge under Section 409 of the I.P.C. has already been dropped the maximum sentence which can be awarded to the applicant is seven years under Section 420 of the I.P.C., and thus, the applicant deserves to be released on bail.

5] Shri Vishal Singh Panwar, learned Govt. Advocate for the NEUTRAL CITATION NO. 2024:MPHC-IND:33553 3 MCRC-47683-2024 respondent/State as well as Shri Deepak Kumar Rawal, Shri Govind Pal Singh Songara, Shri L. Shunondo Chandiramani, Shri Ashirwad Joshi and Shri Gyanendra Sharma, learned counsel for the complainants have vehemently opposed the prayer and it is submitted that no case for interference is made out, as the applicant and the other accused persons have conspired together and hence, duped many innocent purchasers running into more 300 in number, however, it is admitted that as per the case diary, the total number of victims is 52.

6] It is also submitted that all the other family members of the applicant are still at large, and in such circumstances, the present bail application deserves to be dismissed.

7] Counsel for the respondents/complainants have drawn attention of this Court to the paper publication of notice on behalf of the applicant, which was issued in rebuttal to the notice issued by the other accused persons that the applicant and his other family members are selling the plots to some other persons. On behalf of the applicant and his family members it is rebuttal that they have never entered into any agreement with Tholiya Construction. Thus, it is submitted that the aforesaid paper publication of notice itself is sufficient to hold that the applicant and his family members who have already received a huge amount in their accounts, do not deserves to be released on bail.

8] Heard. Having considered the rival submissions, and on perusal of the case diary, as also the documents filed on record, taking note of the fact that the applicant has already received a huge amount towards the agreement NEUTRAL CITATION NO. 2024:MPHC-IND:33553 4 MCRC-47683-2024 with Tholiya Construction and in their paper publications has also denied having entered into any agreement with Tholiya Construction, clearly indicates his involvement in the case wherein, scores of innocent purchasers have been duped of their hard earned money.

9] In such circumstances, when the other accused persons are already absconding after having pocketed huge amounts, this Court does not find it to be a fit case for grant bail to the applicant.

10] Accordingly, the application being devoid of merit is hereby dismissed.

(SUBODH ABHYANKAR) JUDGE moni