

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE DINESH KUMAR PALIWAL

ON THE 18th OF JANUARY, 2023

MISC. CRIMINAL CASE No. 52754 of 2022

BETWEEN:-

**UMESH SAKET S/O RAMSABHA SAKET, AGED ABOUT 22
YEARS, R/O VILLAGE BAGHEDI (CHAKGHAT) WARD
NO. 15 POLICE STATION CHAKGHAT DISTRICT REWA
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI SHESHRAJ KUSHWAHA-ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH POLICE
STATION SHAHPUR DISTRICT REWA (MADHYA
PRADESH)**

.....RESPONDENT

(BY SHRI S. K. YADAV-DEPUTY GOVERNMENT ADVOCATE)

MISC. CRIMINAL CASE No. 52638 of 2022

BETWEEN:-

**MOHAMMAD FIROZ S/O MOHAMMAD ASLAM, AGED
ABOUT 40 YEARS, OCCUPATION: LABOURER R/O
VILLAGE MANSOOR PARK BUXY BAZAAR, PS
KHULDABAGH, TEHSIL SADAR, DISTRICT PRAYAGRAJ
(UTTAR PRADESH)**

.....APPLICANT

(BY SHRI AHADULLA USMANI-ADVOCATE)

AND

**THE STATE OF M.P. THROUGH POLICE STATION
SHAHPUR DISTRICT REWA (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI S. K. YADAV-DEPUTY GOVERNMENT ADVOCATE)

MISC. CRIMINAL CASE No. 2891 of 2023

BETWEEN:-

SHAHBUDDIN W/O SHRI GAYASUDDIN, AGED ABOUT 38 YEARS, OCCUPATION: SELF EMPLOYED R/O BAXI BAZAAR POLICE STATION KHULDABAG TEHSIL SADAR DISTRICT PRAYAGRAJ (UTTAR PRADESH)

.....APPLICANT

(BY SHRI VISHAL VINCENT RAJENDRA DANIEL-ADVOCATE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION SHAHPUR DISTRICT REWA (MADHYA PRADESH)

.....RESPONDENT

(BY SHRI S. K. YADAV-DEPUTY GOVERNMENT ADVOCATE)

These applications coming on for admission this day, the court passed the following:

ORDER

These are **first** bail applications under Section 439 of Cr.P.C. filed on behalf of the applicants for grant of bail, pending the trial.

The applicants have been arrested in connection with Crime No.228/2022 registered at P.S. Shahpur, District-Rewa(M.P.) for commission of offence under Sections 420, 467, 468, 471 and 120-B of IPC and Section 66-D of the Information Technology Act. Applicant Umesh Saket is in detention since 04.10.2022 whereas applicants Shahbuddin and Mohammad Firoz are in detention since 08.10.2022.

As per the prosecution story, on 30.09.2022 Branch Manager Madhyanchal Gramin Bank Branch Kathkhari filed an application in writing before Incharge Police outpost Kathkhari alleging that Indrapal Singh, resident

of Sardman P.S. Hanumana is the account holder of Account No.8078326071 in his bank. It has come into knowledge that for the last 2-3 months money is being withdrawn from that account through Kiosk bank Chakghat District Rewa and information of the same has been received through IT Department of the head office. When he contacted the account holder, he informed that he had not withdrawn any money from his bank account through Kiosk bank Chakghat. Some person had fraudulently withdrawn the money by biometric device through Kiosk bank. FIR was registered. In the course of investigation, it was revealed that Umesh Saket who runs Kiosk Bank at Chakghat with the help of co-accused persons got prepared forged finger-print of Indrapal through the print of the thumb impression already taken on some paper. After investigation, charge sheet has been filed.

Learned counsel for the applicants-Mohammad Firoz and Shahbuddin have submitted that they have been falsely implicated as no articles have been seized from their possession showing that they had prepared forged thumb seal on the basis of any thumb impression. They have no criminal background.

Learned counsel for applicant-Umesh Saket has submitted that he is ready to deposit Rs.80,000/-(Rupees eighty thousand) before the trial Court under protest. It is also his case that money was not withdrawn from his Kiosk and he has not hatched any conspiracy to withdraw money from the bank account with applicants Firoz, Shahbuddin, Maniraj Singh and others. Therefore, it has prayed that the applicants be released on bail.

On the other hand, learned counsel for the State has opposed grant of bail to the applicants.

I have perused the report given by Finger Print Expert. After investigation, charge sheet has been filed. Trial of the case will take considerable

time. Therefore, without expressing any opinion on the merits of the case, I am of the view that it is a case in which further pretrial detention of the applicants is not warranted. Therefore, looking to the facts and circumstances of the case, these first bail applications under Section 439 of Cr.P.C. filed on behalf of applicants are **allowed**.

It is directed that on depositing an amount of Rs.80,000/- (Rupees eighty thousand) by applicant Umesh Saket before the trial Court, all applicants namely **Umesh Saket, Mohammad Firoz and Shahbuddin** be released on bail on their furnishing a personal bond in the sum of **Rs.1,00,000/- (Rupees one lakh) each** with two solvent sureties out of them one local surety in the sum of **Rs.50,000/-(Rupees fifty thousand) each** to the satisfaction of the trial Court, for their regular appearance before the concerned Court on all such dates as may be fixed in this behalf by the trial Court during the pendency of trial.

If after conclusion of the trial, learned trial Court finds applicants and other accused guilty of the offence and convict them for commission of aforesaid offences. The money deposited by applicant Umesh Saket be returned to the bank for depositing in the account of account holder from whose account money was withdrawn.

This order will remain operative subject to compliance of the following conditions by the applicants:-

1. The applicants will comply with all the terms and conditions of the bond executed by them;
2. The applicants will cooperate in the trial;
3. The applicants will not indulge themselves in extending inducement,

threat or promise to any person acquainted with the fact of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be;

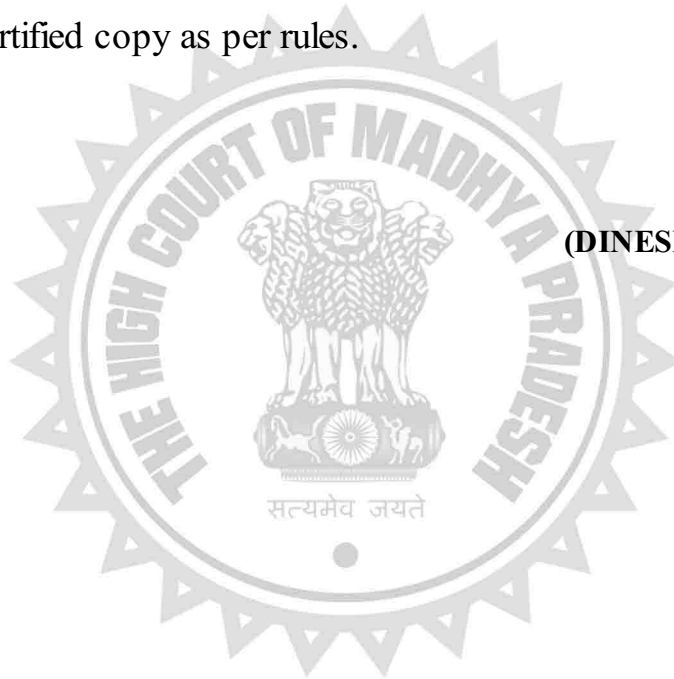
4. The applicants shall not commit an offence similar to the offence of which they are accused;

5. The applicants will not seek unnecessary adjournments during the trial.

This order shall remain effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

Certified copy as per rules.

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(DINESH KUMAR PALIWAL)
JUDGE