

Shyam Patidar vs The State Of Madhya Pradesh on 13 October, 2015

MCRC No.8716/2015

13.10.2015

Shri Dharmendra Khanchandani, learned counsel for the applicants.

Shri Mukesh Parwal, learned counsel for the respondent/State.

Ms. Meenakshi Sharma, learned counsel for the complainant.

Case diary is available.

This is first application under section 438 of Cr.P.C. filed on behalf of present applicant for grant of anticipatory bail.

The applicant apprehends his arrest by Police Station -

Barud, District - Khargone in Crime No.146/2015 under

sections 307, 120-B of IPC and 25, 27 of Arms Act.

According to the prosecution story, in the night of

02.09.2015 at about 2:00 am, complainant Kamal was

attacked by some unknown persons by firing over him

gunshot by 12 bore gun. The crime was registered. During

investigation, on source information, co-accused Dhekaliya

and Deva were arrested. From their possession, 12 bore gun

and some live cartridges were recovered. In their, discloser

memo prepared under section 27 of the Evidence Act, they

disclosed that they attacked on the complainant, as they were

paid Rs.50,000/- by the present applicant Shyam Patidar.

Thus, they were acting as hire assassin and attacked on the

complainant.

Arguments heard. Case diary perused.

Counsel for the State and complainant opposed the application on the ground that it is a case under section 307 of IPC. Custodial interrogation is required against the present applicant.

Counsel for the applicant submits that apart from the discloser memo given by the co-accused under section 27 of the Evidence Act, no other evidence is available against the present applicant. Also, the complainant in this case filed an affidavit in support of present applicant stating therein that present applicant is suffering from mental ailment. He has no dispute with the present applicant.

While dismissing the application, the 4th Additional Sessions Judge observed that this affidavit cannot be taken into consideration at this stage.

In the considered opinion of this Court, this affidavit cannot be taken into consideration at this stage. However, looking to the evidence available against the present applicant and also taking into consideration that he is suffering from mental ailment, this application is allowed.

It is directed that in the event of arrest, the applicant shall be released on anticipatory bail on his furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand only) and a solvent surety of the like amount to the satisfaction of the concerning Magistrate or Arresting Officer as the case may be, with the following conditions:-

(i) that he shall make himself available for interrogation by a

police officer as and when required.

(ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) that he would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

MCRC No.8770/2015

13.10.2015

Shri Anand Soni, learned counsel for the applicant.

Shri Mukesh Parwal, learned counsel for the respondent/State.

This is first application under section 438 of Cr.P.C. filed on behalf of present applicant for grant of anticipatory bail.

The applicant apprehends his arrest by Police Station - Depalpur, District - Indore in Crime No.330/2015 under section 34(2) of MP Excise Act.

According to the prosecution story, on source information, motorcycle bearing registration No.MP-10-BA-2598 was intercepted by the police. The motorcycle was

being driven by Sabir Kha and in the gunny bags loaded on the motorcycle, total 54 bulk liters of contraband country

liquor was found in his possession.

During investigation, on his discloser memo prepared under section 27 of the Evidence Act, he informed the police

that he brought the contraband country liquor from the present applicant. However, no legal evidence is available against him at present.

Arguments heard. Case diary perused.

Counsel for the State opposes the application on the ground that his custody shall be required, as it has to be asserted from where he obtains the contraband country liquor and supplies to various persons.

Counsel for the applicant submits that in the similar case arising from the similar Police Station - Depalpur, he was granted anticipatory bail by the Co-ordinate Bench of this Court in MCRC No.8771/2015 vide order dated 05.10.2015.

However, in the considered opinion of this Court, the order of granting bail is based on the facts which do not have value of precedence and, therefore, present case has to be evaluated on merit. So far as the present case is concerned, it is true that his custodial interrogation may be required for asserting the source of the contraband country liquor.

As such, I find that no case is made out for grant of anticipatory bail to the present applicant.

The application is accordingly, dismissed.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

M.A. No.2452/2014

13.10.2015

Shri VS Chouhan, counsel for the appellant.
Shri Mayank Upadhyay, counsel for the respondent
No.3/Insurance Company.
Heard finally.
Reserved for order.

(Alok Verma)
Judge

Kratika/-

M.A. No.1371/2015

13.10.2015

Shri VS Chouhan, counsel for the appellant.
Shri RJ Pandit, counsel for the respondent
No.3/Insurance Company.
Heard finally.
Reserved for order.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.9130/2015

13.10.2015

Shri LS Chandiramani, counsel for the applicant.
Shri Mukesh Parwal, counsel for the respondent/State.
Shri Vikas Jain, counsel for the complainant.
Counsel for the complainant prays for and is granted a
week's time to file criminal antecedents of the present
applicant.
List alongwith MCRC No.9078/2015 on 19.10.2015, as
prayed.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.9078/2015

13.10.2015

Shri LS Chandiramani, counsel for the applicant.
Shri Mukesh Parwal, counsel for the respondent/State.
Shri Vikas Jain, counsel for the complainant.
Counsel for the complainant prays for and is granted a
week's time to file criminal antecedents of the present
applicant.
List on 19.10.2015, as prayed.

(Alok Verma)
Judge

Kratika/-

Cr.A. No.1275/2014

13.10.2015

Shri Vivek Singh, counsel for the applicant.
Counsel for the applicant seeks time to argue the matter.
List after a week, as prayed.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.9608/2013

13.10.2015

Shri AS Garg, learned Sr. Counsel with Shri Sapnesh Jain, counsel for the applicant.
Counsel for the applicant submits that the matter may be heard finally and disposed of at this stage.
Let the matter be listed in the week commencing 26.10.2015 for final disposal.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7770/2015

13.10.2015

Shri Bhaskar Agrawal, learned counsel for the applicants.
Shri Mukesh Parwal, learned counsel for the respondent/State.
Shri Anand Bhatt, learned counsel for the complainant Lal Singh, eye witness.
Case diary is available.
This is first bail application under section 439 Cr.P.C filed on behalf of the present applicants for grant of bail.
The present applicants were arrested by Police Station- Bhagwanpura, District - Khargone in Crime No.196/15 for the offence punishable under sections 326, 325, 147, 149, 294, 341, 323 and 506-B of IPC.
According to the prosecution story, the incident took

place on 08.06.2015 at about 8:00 pm. It is alleged that present applicants alongwith other two co-accused Bhiyaram and Bhairam armed with lathi, hockey stick and iron rod etc inflicted grievous injuries on Kailash, Tikhla and Mahendra. It is further alleged that accused Prakash inflicted injuries on the right leg of Kailash by iron rod due to which, he suffered fracture of femur bone.

Counsel for the applicants objects and submits that objection cannot be filed on behalf of eye witness, who is neither complainant nor he suffered injuries in the present case.

The objection is accepted. Counsel for the objector is disallowed to participate in the proceedings.

Arguments heard. Case-diary perused.

Learned counsel for the State opposed the bail application.

Counsel for the applicants submits that apart from the accused Prakash, all other persons were not armed with lethal weapons. The injured has been admitted in the hospital and discharged after treatment.

After perusing the case-diary and taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application is allowed.

It is directed that applicants shall be released on bail on their furnishing a personal bond of Rs.30,000/- (Rs. Thirty Thousand) each and one solvent surety each of the like amount to the satisfaction of the concerned Magistrate for their appearance on all the dates of hearing as may be directed in this regard during trial.

The applicants are further directed that on being so released on bail, they would comply with the conditions enumerated under section 437 (3) Cr.P.C meticulously.

C.c. as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7849/2015

13.10.2015

Shri BL Yadav, learned counsel for the applicant.

Shri Mukesh Parwal, learned counsel for the respondent/State.

Counsel for the State is directed to call for the FSL report in this case.

List in the week commencing 26.10.2015, as prayed.

(Alok Verma)

Judge

Kratika/-

M.Cr.C. No.8766/2015

13.10.2015

Shri Nilesh Agrawal, learned counsel for the applicant.
Shri Mukesh Parwal, learned counsel for the respondent/State.

Counsel for the applicant prays for and is granted a week's time to file details of criminal cases pending against the present applicant.

List in the week commencing 26.10.2015.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.8773/2015

13.10.2015

Shri Sandeep Billore, learned counsel for the applicant.
Shri Mukesh Parwal, learned counsel for the respondent/State.

Counsel for the State prays for and is granted a week's time to call for the criminal antecedents of the present applicant.

List in the week commencing 26.10.2015.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.8854/2015

13.10.2015

Shri KC Yadav, learned counsel for the applicant.
Shri Mukesh Parwal, learned counsel for the respondent/State.

Case diary is available.

This is first bail application under section 439 Cr.P.C filed on behalf of the present applicant for grant of bail.

The present applicant was arrested by Police Station-Dahi, District - Dhar in Crime No.88/15 for the offence punishable under section 354 and 354-A of IPC and under section 7/8 of Protection of Children from Sexual Offence Act.

Arguments heard. Case-diary perused.

According to the prosecution story, the prosecutrix, who was 14 years of age, was going to his maternal uncle's place on 29.09.2015 when the present applicant caught hold of her both hands, dragged her to one side of the road and thereby tried to outrage her modesty.

Learned counsel for the State opposed the bail application.

Learned counsel for the applicant submits that there was no intention of present applicant to do anything wrong with the prosecutrix. He further submits that the prosecutrix was also not of 14 years of age. Her age is more than that.

After perusing the case-diary and taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application is allowed.

It is directed that applicant shall be released on bail on his furnishing a personal bond of Rs.30,000/- (Rs. Thirty Thousand) and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

The applicant is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437 (3) Cr.P.C meticulously.

C.c. as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.8969/2015

13.10.2015

Ms. Archana Maheshwari, learned counsel for the applicant.

Shri Mukesh Parwal, learned counsel for the respondent/State.

Case diary is not available.

List in the week commencing 26.10.2015.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.9031/2015

13.10.2015

Shri Arun Singh Thakur, learned counsel for the applicants.

Shri Mukesh Parwal, learned counsel for the

respondent/State.

Case diary is available.

This is first bail application under section 439 Cr.P.C filed on behalf of the present applicant for grant of bail.

The present applicant was arrested by Police Station-Shahar Kotwali, District - Mandsaur in Crime No.512/15 for the offence punishable under section 34(2) of MP Excise Act for keeping in his possession 81 bulk liters of contraband country liquor.

Arguments heard. Case-diary perused.

Learned counsel for the State opposed the bail application.

Learned counsel for the applicant submits that there is no criminal antecedents of the present applicant. He is falsely implicated in the present case.

After perusing the case-diary and taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application is allowed.

It is directed that applicant shall be released on bail on his furnishing a personal bond of Rs.30,000/- (Rs. Thirty Thousand) and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

The applicant is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437 (3) Cr.P.C meticulously.

C.c. as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.8270/2015

09.10.2015

Shri Vikas Jain, learned counsel for the applicant.

Shri Romesh Dave, learned counsel for the respondent/State.

This application under section 482 of Cr.P.C. is filed against the order passed by learned Special Judge under NDPS Act, District - Neemuch in Special Sessions Trial No.01/2014 dated 14.07.2015.

The brief facts relevant for disposal of this case are that the applicant filed an application before this Court under section 482 of Cr.P.C. in which the Co-ordinate Bench of this Court by order dated 03.11.2014 issued following directions:-

Present petitioner is permitted to withdraw the petition with a direction to the trial Court to consider the averments and points raised in the petition at the time of framing of charge alongwith the averments of charge-sheet.

Learned Special Judge passed the impugned order on 04.12.2014 apparently one month after the order passed by this Court by which, learned Magistrate framed charges against the present applicant, however, as directed by this Court, the averments and points raised in the petition were not taken into consideration. Thereafter, the applicant again filed an application before learned Special Judge which was disposed of by order dated 11.12.2014 stating therein that a criminal court had no jurisdiction to review on its own order and, therefore, giving liberty that the order may be challenged in the revision, the application was dismissed.

Aggrieved by this order, the applicant again approached this Court in the second round of litigation under section 482 of Cr.P.C. which was disposed of by this Court in MCRC No.54/2015 vide order dated 25.06.2015. In this order, following directions were issued:-

In view of this observation and in the light of the direction issued by this Court earlier, this application is allowed. The impugned order dated 04.12.2014 is set aside. The matter is remanded back to the concerned Court with the direction that learned Special Judge should reconsider the matter and decide it in the light of the direction issued by this Court earlier in MCRC No.7577/2014.

After passing of this order, learned Special Judge passed the impugned order on 14.07.2015 in which, he again opined that the point raised by the respondent cannot be taken into consideration at the stage of filing of charge-sheet and without taking them into consideration, the impugned order was passed.

It is apparent that learned Special Judge has not taken into consideration the averments and points raised by the applicant and without taking into consideration the direction of this Court, the order was passed and, therefore, it appears proper to set aside the impugned order and remand the matter back to the Special Court for reconsideration and pass suitable order as per the direction issued by this Court.

Accordingly, this application is allowed. The impugned order is set aside. Learned Special Judge is directed to consider the averments and points raised by the present applicant and pass a suitable and detailed order this time.

In case, direction issued by this Court is not followed by the Special Judge, the matter may be taken as contempt of Court and necessary proceedings shall be initiated.

With the direction and observation as aforesaid, the application stands disposed of.

Let copy of this order be placed before the Hon'ble portfolio Judge and also be sent to the Sessions Judge, Neemuch, for consideration while writing Confidential Report of the concerned officer.

C.c. as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.8110/2015

09.10.2015

Shri Mahendra Kumar Sharma, learned counsel for the applicants.

Shri Mukesh Parwal, learned counsel for the respondent/State.

Case diary is available.

This is first bail application under section 439 Cr.P.C for grant of bail.

The present applicant was arrested by Police Station- Dewas Gate, District - Ujjain in Crime No.30/2015 for the offence punishable under sections 364, 365, 302 and 201/34 of IPC and under section 3 (2) (5) of SC/ST (Prevention of Atrocities) Act.

According to the prosecution story, in the intervening night of 18th and 19th February, 2015 at about 01:00 am, present applicant alongwith other co-accused committed murder of deceased Sanjay @ Sanju Jhanjhot. Subsequently, they threw the dead body of the deceased under the culvert of Kalisindh river and also discharged mobile phone and other items of the deceased after pouring petrol on it.

So far as the present applicant is concerned, it is alleged that he was also with the co-accused persons during commission of crime.

Arguments heard. Case-diary perused.

Learned counsel for the State opposed the bail application.

Learned counsel for the applicants submits that initially, his name was not included in the accused persons, however, on memorandum of co-accused, present applicant was arrested and then, on 10.05.2015, statement of Manish Rai was recorded in which, he stated that he saw present applicant also with the other co-accused, while they were committing the murder. He further submits that no justification was given why statement of this witness was not recorded on 10.05.2015. He further submits that similarly, statement of Anil Thakur was recorded on 13.03.2015 and in his statement also, no explanation was given why his statement was not recorded immediately after the incident.

I have gone through the case diary.

There are two witnesses, who confirmed presence of the present applicant with the co-accused persons. Merely because, there statements were recorded with some delay, at this stage, no benefit can be given to the present applicant.

This apart, blood stained clothes were also recovered on his discloser memo. In the considered opinion of this Court, no case is made out for grant of bail to the present applicant.

The application is accordingly, dismissed.

C.c. as per rules.

(Alok Verma)

Kratika/-

M.Cr.C. No.8827/2015

09.10.2015

Shri Mukesh Sinjonia, learned counsel for the applicants.

Shri Romesh Dave, learned counsel for the respondent/State.

Shri Navneet Kishore Verma, learned counsel for the objector.

Case diary is available.

This is third bail application under section 439 Cr.P.C for grant of bail.

Their first application was dismissed, as withdrawn in MCRC No.6100/2015 vide order dated 23.07.2015 after arguing the matter for some time. Their second application was dismissed in MCRC No.6145/2015 vide order dated 21.08.2015. Their second application was dismissed, as it was filed only after five days of withdrawing the first application, which was not found proper and liberty was granted to the present applicants to file afresh application to be considered on merit after filing of the charge-sheet. Accordingly, this third application is filed availing the liberty granted by this Court to the applicant after filing of the charge-sheet.

Counsel for the Objector raised preliminary objection that once the application is dismissed, second application is not maintainable, unless there should be a substantial change in the circumstances and not cosmetic change. For this, he cites judgment of Hon'ble the Supreme Court in the case of State of Maharashtra Vs. Captain Buddhikota Subha Rao reported in SCC-1989-SUPP2-605. But the principle laid down in the aforesaid case is not applicable in the present case. In that case, three consecutive applications were dismissed on merit and, therefore, Hon'ble the Supreme Court laid down the above principle.

However, in this case, earlier two applications were not considered on merit and also, while dismissing the second application, liberty was granted to the applicants to file afresh application after charge-sheet is filed. In this view of the matter, I find that this third application is maintainable.

The present applicants were arrested by Police Station-Kalapipal, District - Shajapur in Crime No.250/15 for the offence punishable under sections 307, 147, 148, 149, 294, 323 and 325 of IPC.

According to the prosecution story, the incident took place on 26.06.2015 at about 11:00 pm. The dispute arose on the way between two fields. The co-accused Mansingh challenged complainant to come on his land and they were waiting for him. Thereafter, accused persons went and

started started using abusive language against him. When Leeladhar came to intervene, he was given blow by Farsi on his head.

Arguments heard. Case-diary perused.

Learned counsel for the State opposed the bail application.

Learned counsel for the applicants submits that there is a counter case also registered. He further submits that charge-sheet has been filed and present applicants are not required for investigation.

Counsel for the objector, however, submits that two persons suffered more than ten injuries in this case and there is a dispute between two sections of same village and if bail is granted to the present applicants, the dispute may again take place.

After perusing the case-diary and taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application is allowed.

It is directed that applicants shall be released on bail on their furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand) each and one solvent surety each of the like amount to the satisfaction of the concerned Magistrate for their appearance on all the dates of hearing as may be directed in this regard during trial.

The applicants are further directed that on being so released on bail, they would comply with the conditions enumerated under section 437 (3) Cr.P.C meticulously.

C.c. as per rules.

(Alok Verma)
Judge

Kratika/-

CRR No.1162/2015

09.10.2015

Shri Vijay Sharma, learned counsel for the applicant.
Shri Romesh Dave, learned counsel for the respondent/State.
Heard finally.
Reserved for order.

(Alok Verma)
Judge

Kratika/-

MCRC No.6633/2015

09.10.2015

Shri Hemant Purohit, learned counsel for the applicant.

This application is filed under section 482 of Cr.P.C. for modification in the order passed in MCRC No.3399/2015 dated 19.06.2015 by which, it was ordered that the applicant should surrender before the concerning court within fifteen days from getting certified copy of this order and subject to applicant's surrender, the Criminal Revision No.673/2013 was restored to its original number.

Now by this application, it is sought that the condition imposed in the earlier order be suitably amended and the revision be restored without surrender by the present applicant.

I have heard counsel for the applicant.

After due consideration, no case is made out for modification in the aforesaid order. The application is accordingly, dismissed.

The applicant is given a liberty to surrender before the concerning court in next fifteen days after receipt of certified copy of this order.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

MCRC No.7176/2015

09.10.2015

Shri Kushal Goyal, learned counsel for the applicant.

Issue notice to the respondent(s) on payment of PF within a week, returnable within four weeks.

(Alok Verma)
Judge

Kratika/-

MCRC No.7677/2015

09.10.2015

Shri Ashish Sharma, learned counsel for the applicant.

Shri Romesh Dave, learned counsel for the respondent/State.

As directed by the Court vide order dated 18.09.2015, case diary of Crime Nos.866/2015 and 867/2014 registered at Police Station - Sanyogitaganj, District - Indore, are not available today.

Shri Mitesh Jain, learned counsel submits that he would file power on behalf of Dr. DK Sharma, who is complainant in this case.

Learned counsel for the State is directed to call for both the case diaries positively on the next date of

hearing.

At this stage, learned counsel for the applicants prays that the proceedings in Sessions Trial No.103/2015 pending before learned Additional Sessions Judge, Indore, be stayed.

On due consideration, prayer is allowed.

It is directed that till the next date of hearing, the proceedings in Sessions Trial No.103/2015 shall remain stayed.

List in the week commencing 26.10.2015.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

MCRC No.7762/2015

09.10.2015

Shri Harish Kumar Sharma, learned counsel for the applicant.

Counsel for the applicant prays for and is granted two weeks' time to argue the matter.

List after two weeks, as prayed.

(Alok Verma)
Judge

Kratika/-

MCRC No.8068/2015

09.10.2015

Shri Vikas Rathi, learned counsel for the applicant.

Counsel for the applicant prays for and is granted two weeks' time to argue the matter.

List after two weeks, as prayed.

(Alok Verma)
Judge

Kratika/-

MCRC No.8157/2015

09.10.2015

Smt. Sudha Shrivastav, learned counsel for the applicant.

Issue notice to the respondents No.A to E on payment of PF within a week, returnable within four weeks.

Meanwhile, the proceedings in Criminal Case No.227/2013 pending before learned JMFC, Hatod, District - Indore, shall remain stayed till the next date of hearing.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

MCRC No.8284/2015

09.10.2015

Shri AS Garg, learned Sr. Counsel with Shri Piyush Shrivastav, learned counsel for the applicant.

Shri Romesh Dave, learned counsel for the respondent/State.

Counsel for the applicant submits that he would implead the complainant as respondent No.2 in this case.

Prayer is allowed.

He is directed to file an appropriate application within a week.

List after a week.

(Alok Verma)
Judge

Kratika/-

MCRC No.8286/2015

09.10.2015

Shri Mitesh Jain, learned counsel for the applicant.

Shri Romesh Dave, learned counsel for the respondent No.2/State.

Issue notice to the respondent No.1 on payment of PF within a week, returnable within four weeks.

(Alok Verma)
Judge

Kratika/-

MCRC No.8697/2015

09.10.2015

Shri A. Saraswat, learned counsel for the applicant.

Shri Mukesh Parwal, learned counsel for the respondent/State.

This is third application under section 439 of Cr.P.C.

The main ground taken by counsel for the applicant is that present applicant is under custody for the last one year and still, there is no progress in trial, as other co-accused are not arrested so far. He further submits that other co-accused granted bail under section 167(2) of Cr.P.C. and the present applicant remains in custody though, he is not the main accused in the case.

Let a report be called from the Sessions Judge, Indore. He may be requested to go through the record of the case and submit his report alongwith the reasons for delay in the present case. He may further be requested to submit his comments as to time frame within which, trial in this case shall be over.

List in the next week.

(Alok Verma)
Judge

Kratika/-

CRR No.381/2015

09.10.2015

Shri KP Pandey, learned counsel for the applicant.

Shri Romesh Dave, learned counsel for the respondent/State.

Report of the Probation Officer has not been received as yet. On 23.09.2015 also, last opportunity was granted to counsel for the State to call for the report of

Probation Officer.

List int the next week with clear understanding that
if report of the Probation Officer is not produced before
the Court, the matter shall be decided on merit.

(Alok Verma)
Judge

Kratika/-

CRA No.1293/2015

09.10.2015

Shri Pankaj Sohani, learned counsel for the
applicant.

Shri Romesh Dave, learned counsel for the
respondent/State.

In this case, trial court has suspended jail sentence
of the appellant upto 25.09.2015 after which, it was not
clear whether the accused had surrender before the trial
court.

Today, counsel for the appellant submits order-
sheet of the lower court dated 05.10.2015, according to
which, the appellant surrendered before the trial court and

he was taken into custody and sent to the jail for
undergoing the remaining sentence awarded to him.

Accordingly, the application for suspension of jail
sentence and grant of bail is now considered.

Heard on I.A. No.7263/2015.

This is first application under section 389(1) of
Cr.P.C. filed on behalf of appellant - Rambabu for
suspension of jail sentence and grant of bail.

The appellant suffered conviction and sentence as

under:-

CONVICTION

SENTENCE

Section	Act	Imprisonment	Fine	Imprisonment in lieu of fine
341	IPC	Nil	Rs.500/-	15 days
354-A	IPC	6 months RI	Rs.5000/-	3 months

Taking into consideration all the facts and circumstances of the case, without commenting on the merit of the case, the application is allowed. It is directed that if, the present appellant furnishes personal bond of Rs.30,000/- (Rupees Thirty Thousand) and a solvent surety of the like amount to the satisfaction of the trial court, subject to payment of fine, the remaining portion of the jail sentence of the appellant shall be suspended and he be released on bail for his appearance before the Registry of this Court on 11.01.2016 and thereafter on all subsequent dates as may be fixed by the Registry in this behalf.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

MCRC No.9029/2015

09.10.2015

Shri Himanshu Joshi, learned counsel for the applicants.
Smt. Mamta Shandilya, learned counsel for the
respondent/State.

This is first application under section 438 of Cr.P.C.

Shyam Patidar vs The State Of Madhya Pradesh on 13 October, 2015
filed on behalf of present applicant for grant of anticipatory
bail.

The applicants apprehend their arrest by Police Station
- Chhapiheda, Tehsil - Biaora, District - Rajgarh in Crime
No.172/2014 under sections 294, 323, 506/34 and 436 of
IPC.

According to the prosecution story, present applicants
were earlier arrested in the same crime number under
sections 294, 323 and 506/34 of IPC. They were granted bail
by the Magistrate. However, subsequently, section 436 of
IPC was added and now, present applicants apprehend their
arrest as trial under section 436 is sessions trial and the
Magistrate does not have power to grant bail under this
section.

Arguments heard. Case diary perused.

Counsel for the State opposes the application.

Taking all the facts and circumstances of the case into
consideration, without commenting on the merits of the case,
I find that it is fit case where the benefit of provision under
section 438 of Cr.P.C. may be extended to the present
applicants. Accordingly, the application is allowed.

It is directed that in the event of arrest, the applicants
shall be released on anticipatory bail on their furnishing a
personal bond of Rs.50,000/- (Rs. Fifty Thousand only)
each and a solvent surety each of the like amount to the
satisfaction of the concerning Magistrate or Arresting Officer
as the case may be, with the following conditions:-

(i) that they shall make themselves available for interrogation by a police officer as and when required.

(ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) that they would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.8569/2015

08.10.2015

Shri Sanjay Sharma, learned counsel for the applicant.

Shri Mukesh Parwal, learned counsel for the respondent/State.

Case diary is available.

This is third bail application under section 439 Cr.P.C

for grant of bail.

His first application was dismissed on merit in MCRC

No.128/2015 vide order dated 13.03.2015 on medical ground

and also on the ground that daughter of the present applicant

died recently. His second application for grant of temporary

bail was dismissed in MCRC No.3516/2015 vide order dated

25.06.2015. In the second application, it was directed that if

the present applicant wishes to get himself operated in a

private hospital and if he deposits necessary amount with the

jail authorities as per the estimate given by the concerning

hospital, he may be admitted in the hospital under the security and necessary operation may be performed on him.

Now, this third application is filed on the ground that when the hospital authorities, where the present applicant wants to get himself operated, were contacted by the family members of the present applicant, they informed that they could not give any estimate unless the patient is examined.

Therefore, counsel for the applicant prays that present applicant be released on temporary bail for fifteen days so that he may get himself examined and necessary estimate be prepared.

Counsel for the CBN submits that for the examination, he may be taken to the hospital under security and after examination, necessary estimate can be prepared.

After taking into consideration rival contentions putforth by both the counsels, it is directed that the present applicant be taken to a private hospital, where he wants to get himself operated under proper security and after his examination by the doctors, he be re-lodged in jail. It is further directed that after estimate is prepared, directions issued in the earlier order would operate.

C.c. as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.8324/2015

08.10.2015

Shri Anshuman Shrivastav, learned counsel for the applicant.

Smt Mamta Shandilya, learned counsel for the respondent/State.

Case diary is available.

This is second bail application under section 439 Cr.P.C for grant of temporary bail.

This second application is filed on the ground that son of the present applicant is suffering from rare disease known as "Krabbe disease". It is advised by the doctor that child should be taken to Mumbai or Delhi and should be treated by the specialist doctors, who are not available at Indore. Counsel for the applicant has filed medical papers of the child with the application, which were duly verified. As per the report, the child is suffering from serious disease of brain and he is advised by the doctors to be taken to Mumbai for further treatment.

I have heard counsel for the parties.

After taking into consideration all the facts and circumstances of the case and the medical condition of the child of present applicant, the application for grant of temporary bail is allowed.

It is directed that applicant shall be released on temporary bail for the period of thirty days from the date of his release on his furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand) and one solvent surety of the like amount to the satisfaction of the trial Judge. The trial Judge is directed to fix a date for his surrender before the Court depending upon his release from jail.

With the aforesaid observation and direction, the

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.8552/2015

08.10.2015

Shri Sanjay Sharma, learned counsel for the applicant.

Shri Mukesh Parwal, learned counsel for the
respondent/State.

Case diary is available.

This is first bail application under section 439 Cr.P.C for
grant of bail.

The present applicant was arrested by Police Station- City
Kotwali, District - Mandsaur in Crime No.502/15 for the offence
punishable under sections 323, 344, 365, 347, 384, 386 and 506
of IPC.

According to the prosecution story, on 26.07.2015 abductee
Tarachand Gandhi went to a Tea Stall for having tea. There, it is
alleged that present applicant alongwith co-accused Mahesh and
his maternal uncle came in Bolero vehicle and they forcibly took
abductee Tarachand Gandhi to village Khanderiyamaru and kept
him there tied. By threatening him, they pressurized him to
execute power of attorney for transfer of his revenue land and a
house. For making his voter I.D. Card, they took him to
Mandsaur Court and there, they completed formalities for making
of Voter I.D. Card. They also got sale deed executed in favour of
Maya W/o Mukesh Pawar. It is further alleged that prior to the

incident also, they took Rs.40,000/- from abductee Tarachand Gandhi on the promise that they would sale him Nano Car but the Car was not given to him.

Arguments heard. Case-diary perused.

Learned counsel for the State opposed the bail application on the ground that present applicant took law into his hand and then forcibly got the sale deed of the land executed in favour of Maya W/o Mukesh Pawar.

Learned counsel for the applicant submits that it was a civil dispute. Present applicant and said Tarachand Gandhi had some financial dealings with each other and some money was due with Tarachand Gandhi. Due to this reason, he was falsely implicated in the case. According to him, he voluntarily executed the sale deed in favour of Maya W/o Mukesh Pawar.

After perusing the case-diary and taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application is allowed.

It is directed that applicant shall be released on bail on his furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand) and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

The applicant is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437 (3) Cr.P.C meticulously.

C.c. as per rules.

(Alok Verma)
Judge

Kratika/-

MCRC No.8837/2015

08.10.2015

Shri Rohit Shindey, learned counsel for the applicant.

Case diary is available.

Counsel for the applicant seeks time to argue the matter
as the arguing counsel is not available today.

List in the next week, as prayed.

(Alok Verma)
Judge

Kratika/-

MCRC No.8858/2015

08.10.2015

Shri Vinay Saraf, learned counsel for the applicant.

Smt. Mamta Shandily, learned counsel for the
respondent/State.

Case diary is not available.

List on 13.10.2015.

(Alok Verma)
Judge

Kratika/-

CRR No.731/2015

08.10.2015

Shri KC Yadav, learned counsel for the applicant.
Service report on notice sent to the respondent has

not been received as yet.

List after a week alongwith service report.

(Alok Verma)

Judge

Kratika/-

CRR No.732/2015

08.10.2015

Shri KC Yadav, learned counsel for the applicant.

Service report on notice sent to the respondent has not been received as yet.

List after a week alongwith service report.

(Alok Verma)
Judge

Kratika/-

CRR No.1276/2015

08.10.2015

Shri SK Meena, learned counsel for the applicant.

Smt. Mamta Shandilya, learned counsel for the respondent/State.

Heard on the question of admission.

The revision is admitted for final hearing.

Let record of the lower court be called for.

Also heard on I.A. No.7593/2015, which is an application under section 397(1) read with Section 389(1) of Cr.P.C. for suspension of jail sentence and grant of bail filed on behalf of present applicant namely - Montu S/o Heeralal.

CONVICTION The applicant suffered conviction and sentence as under:-
SENTENCE

Section	Act	Imprisonment	Fine	Imprisonment in lieu of fine
457 and 380	IPC	1 year RI	Rs.300/-	-

Counsel for the applicant submits that the applicant is in jail.

Taking into consideration all the facts and circumstances of the case, without commenting on the merit of the case, the application is allowed. It is directed that if, the present applicant furnishes personal bond of Rs.30,000/- (Rupees Thirty Thousand) and a solvent surety of the like amount to the satisfaction of the trial court, subject to payment of fine, the remaining portion of the jail sentence of the applicant shall be suspended and he be released on bail for his appearance before the Registry of this Court on 07.01.2016 and thereafter on all subsequent dates as may be fixed by the Registry in this behalf.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

CRR No.914/2011

08.10.2015

Shri Akash Rathi, learned counsel for the applicants.

Smt. Mamta Shandilya, learned counsel for the respondent/State.

Heard on I.A. No.6716/2015, which is an application filed under section 320 read with section 482 of Cr.P.C.

It is submitted that parties have entered into compromise. All the five applicants and the injured persons namely - Brajmohan S/o Banshilal, Vikram Singh S/o Banshilal and Jamna Bai W/o Banshilal are present today before this Court. On asking, they submit that they have entered into compromise without any coercion or duress.

The applicants have been convicted for the offence punishable under sections 325/34 and 324/34 of IPC and have been sentenced to undergo RI for two years each. Section 324 is compoundable before 31.12.2010. In this case, the incident took place on 06.02.2008, therefore, at the time of incident, offence was compoundable.

Taking into consideration all the facts and circumstances of the case, the application is allowed. The applicants are discharged from the charges under sections 325/34 and 324/34 of IPC. Their bail and bonds also stand discharged. The fine amount, if any, deposited by the applicants be returned to them.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

MCRC No.8924/2015

08.10.2015

Shri Praveen Newalkar, learned counsel for the applicants.

Smt. Mamta Shandilya, learned counsel for the respondent/State.

This is first application under section 438 of Cr.P.C. filed on behalf of present applicant for grant of anticipatory bail.

The applicant apprehend his arrest by Police Station - Kukshi, District - Dhar under sections 366, 506 and 376 of IPC.

According to the prosecution story, the incident took place on 01.09.2014 when the prosecutrix and her brother was

going in a Magic Vehicle, about 22 persons came there in another vehicle and it is alleged that they forcibly took the prosecutrix with them and co-accused Raju Chouhan, who was handicapped and to whom, the prosecutrix got married under Arya Samaj customs, committed rape on her.

So far as the present applicant is concerned, it is alleged that co-accused Raju Chouhan and the prosecutrix stayed in the house of the present applicant for some time.

Arguments heard. Case diary perused.

Counsel for the State opposes the application.

Counsel for the applicant submits that co-accused Raju Chouhan has already granted bail by the Court below. He further submits the present applicant is a government servant and the only allegation against him is that co-accused Raju Chouhan and the prosecutrix stayed in his house for some time.

Taking all the facts and circumstances of the case into consideration, without commenting on the merits of the case, I find that it is fit case where the benefit of provision under section 438 of Cr.P.C. may be extended to the present applicants. Accordingly, the application is allowed.

It is directed that in the event of arrest, the applicant shall be released on anticipatory bail on his furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand only) and a solvent surety of the like amount to the satisfaction of the concerning Magistrate or Arresting Officer as the case may be, with the following conditions:-

(i) that he shall make himself available for interrogation by a police officer as and when required.

(ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) that he would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma)
Judge

Kratika/-

MCRC No.8946/2015

08.10.2015

Case diary is not available.

List in the next week.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.8852/2015

07.10.2015

Shri L.R. Bhatnagar, learned counsel for the applicants.

Shri Mukesh Parwal, learned counsel for the respondent/State.

Shri Ali Hussain, learned counsel for the objector.

Case diary is available.

This is first bail application under section 439 Cr.P.C for grant of bail.

The present applicants were arrested by Police Station-Nalkheda, District - Agar in Crime No.185/15 for the offence punishable under sections 307, 147, 148, 149 & 506 IPC.

According to the prosecution story, the incident took place on 14.07.2015. The dispute arose due to passing through the fields of complainant and then it is alleged that present applicants have inflicted injury to Shahrukh Khan, Rajjak Khan and Babu Khan by lathi. Babu Khan sustained injury on his head with corresponding fracture of skull bone.

Arguments heard. Case-diary perused.

Learned counsel for the State and Objector opposed the bail application. Learned counsel for the Objector submits that on being released from jail, accused persons will threaten them. They used abusive language against them. They further said that as soon as their brothers come out of the jail, they will drive them away from the village. They apprehend that they are going to commit serious offence against them.

Learned counsel for the applicants submits that charge sheet has been filed in this case and injured has been discharged from hospital. Present applicants are not required by the Police for investigation. He further submits that a cross case is also registered at Crime No.186/15 against the complainant party. He further submits that co-accused persons granted bail in MCRC Nos.7951/2015 and 8253/2015 vide order dated 09.09.2015 and 28.09.2015 respectively. The case of the present applicants is not different than that of co-accused, who were granted bail,

therefore, on the principle of parity, he prays that bail should be granted to the present applicants. He further submits that apprehension of the objector is baseless. No case was registered by the police and only to keep the applicants in jail, a false complaint was lodged by the complainant.

After perusing the case-diary and taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application is allowed.

It is directed that applicants shall be released on bail on their furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand) each and one solvent surety each of the like amount to the satisfaction of the concerned Magistrate for their appearance on all the dates of hearing as may be directed in this regard during trial.

The applicants are further directed that on being so released on bail, they would comply with the conditions enumerated under section 437 (3) Cr.P.C meticulously.

C.c. as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7768/2015

07.10.2015

Shri Shahid Sheikh, learned counsel for the applicant.

Shri Mukesh Parwal, learned counsel for the respondent/State.

Case diary and case file are not available with counsel for the State.

List in the next week, as prayed.

(Alok Verma)
Judge

Kratika/-

Cr.A. No.929/2009

07.10.2015

The appellant is not produced before the Court today.

Issue fresh production warrant for his appearance before the Court on 27.11.2015.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.6615/2015

07.10.2015

Shri Aniruddh Gokhle, learned counsel for the applicant.

None for the respondent.

As prayed, list in the week commencing 26.10.2015.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.6681/2015

07.10.2015

Shri VS Chouhan, learned counsel for the applicant.

Heard on application filed under section 378(4) of
Cr.P.C. for grant of leave to appeal.

Perused the impugned judgment.

After due consideration, the application is allowed.
Leave to appeal is granted.

Office is directed to register this as regular criminal
appeal and proceed.

C.c as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.6911/2015

07.10.2015

Ms. Nidhi Bohra, learned counsel for the applicant.

List alongwith MCRC No.6910/2015.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.6938/2015

07.10.2015

None for the applicant.

List after three weeks.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7511/2015

07.10.2015

Shri Sanjay Saini, learned counsel for the applicant.

Heard on application filed under section 378(4) of Cr.P.C. for grant of leave to appeal.

Perused the impugned judgment.

After due consideration, the application is allowed.

Leave to appeal is granted.

Office is directed to register this as regular criminal appeal and proceed.

C.c as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7655/2015

07.10.2015

Shri MK Khokar, learned counsel for the applicant.

He seeks time to file some additional documents.

List after two weeks, as prayed.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7733/2015

07.10.2015

Shri Avinash Sirpurkar, learned counsel for the applicant.

Heard on application filed under section 378(4) of Cr.P.C. for grant of leave to appeal.

Perused the impugned judgment.

After due consideration, the application is allowed.

Leave to appeal is granted.

Office is directed to register this as regular criminal appeal and proceed.

C.c as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7822/2015

07.10.2015

Shri A. Saraswat, learned counsel for the applicant.

Heard on the question of admission.

This application under section 482 of Cr.P.C. is directed against the judgment passed by learned 3rd Additional Sessions Judge, Dewas in 01/2015 dated 10.07.2015 by which learned Additional Sessions judge dismissed the appeal filed by the present applicant under section 372 of Cr.P.C. assailing the judgment passed by learned JMFC in Criminal Case No.96/2012 dated 13.11.2014 acquitting the respondents.

I have gone through the impugned judgment passed in appeal as well as the judgment of learned Magistrate.

Both the courts below concurrently reached to the same conclusion and acquitted the accused persons. At this stage, no case is made out against the respondents using extra ordinary jurisdiction conferred to this Court under section 482 of Cr.P.C. The application is accordingly, dismissed.

C.c as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7837/2015

07.10.2015

Shri Vijay Assudani, learned counsel for the applicant.

Heard on the question of admission as well as I.A.

No.6643/2015, an application for stay.

On payment of PF within a week, issue notice against admission as well as of aforesaid I.A. to the non-applicants by registered post as well as by ordinary mode.

Meanwhile, further proceedings pending before the trial Court in Criminal Case No.41/2005 shall remain stayed till the next date of hearing.

Let the matter be fixed after four weeks alongwith MCRC Nos.7739/2015, 7744/2015, 7835/2015, 7905/2015

7893/2015 and 7892/2015 for analogous hearing.

C.c as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7966/2015

07.10.2015

Shri Vijay Assudani, learned counsel for the applicant.

Heard on the question of admission as well as I.A.

No.6757/2015, an application for stay.

On payment of PF within a week, issue notice against

admission as well as of aforesaid I.A. to the non-applicants by registered post as well as by ordinary mode.

Meanwhile, further proceedings pending before the trial Court in Criminal Case No.42/2005 shall remain stayed till the next date of hearing.

Let the matter be fixed after four weeks alongwith MCRC Nos.7739/2015, 7744/2015, 7893/2015 and 7892/2015 for analogous hearing.

C.c as per rules.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7882/2015

07.10.2015

Shri Ashish Vyas, learned counsel for the applicant.

Shri Romesh Dave, learned counsel for the respondent /State.

Counsel for the applicant submits that other two co-accused persons, who are arraigned as accused in the same crime number, the FIR was quashed by the Coordinate Bench of this Court in MCRC No.6151/2015 and prays that matter be listed before the Bench which passed the earlier order.

Office is directed to examine the matter and list it before the appropriate Bench.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7894/2015

07.10.2015

As prayed by counsel for the applicant, list in the next week.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.7914/2015

07.10.2015

Shri KK Tiwari, learned counsel for the applicant.

Shri Romesh Dave, learned counsel for the respondent /State.

Let record of Criminal Case No.490/2005 disposed of by learned JMFC, Shajapur dated 22.09.2006 under section 325 of IPC be called for.

List under the same category alongwith the record of the lower court.

(Alok Verma)
Judge

Kratika/-

M.Cr.C. No.2526/2015

07.10.2015

Shri Sudeep Bhargav, learned counsel for the respondent.

This is an enquiry under section 340 of Cr.P.C. The facts which necessitated this enquiry are that Professor Chintaman Malviya (hereinafter referred to as the 'respondent') is returned candidate from Lok Sabha

Constituency No.2, Ujjain (M.P.) in general election of Lok Sabha held in the month of March-April, 2014. An Election Petition was filed against the respondent challenging his election to Lok Sabha which was registered as Election Petition No.33/2014. In this petition, notice was issued to the respondent bearing No.1762 dated 12.08.2014. Notice was sent to the District Judge, Ujjain, for service upon the respondent. The notice was served by process server Shri Arun Bhalerao on 16.08.2014 personally on the respondent.

2. However, respondent remained absent before the Election Judge and, therefore, Election Petition filed against him proceeded ex-parte. Subsequent to this, he filed an application under Order 9 Rule 7 of CPC for setting aside the ex-parte order passed against him. In support of the application, he filed an affidavit stating therein that the notice was served on his staff while he was busy in the ongoing session of the Parliament. When he came back to Ujjain, he came to know about the notice when it was placed before him and thereafter, immediately, he proceeded to take necessary action for setting aside of the ex-parte order. When this application is filed by respondent, the applicant filed I.A. No.1303/2015 under section 340 of Cr.P.C. stating therein that respondent made false statement in the affidavit and thereby he committed offence under section 193 of IPC and he further prayed that suitable action be taken against the respondent.

3. The Co-ordinate Bench of this Court to which the

Election Petition was assigned, passed an order dated 24.03.2015 on the application. In para 8 and 9 of the order,

the Co-ordinate Bench observed as under:-

(8) So far as the application of petitioner is concerned, prima facie it seems that the respondent No.1 himself has received the notice of this petition on 16.08.2014 whereas, on oath he stated that he received the notice of this petition on 25.01.2015 through his employee. This controversy can be resolved only after the enquiry, therefore, the Principal Registrar of this Bench is directed to register a Misc. Criminal Case under section 340 of the Cr.P.C. against the respondent No.1 and initiate the enquiry and after making due enquiry if he finds that respondent No.1 has filed a false affidavit in support of I.A. No.927/2015 then file a private complaint against respondent No.1 before the competent Magistrate. Thus, the application (I.A. No.1303/2015) is allowed.

(9) Reader is directed to send the photocopy of this order alongwith the original second copy of notice of respondent No.1 and service report of process server in a sealed envelope for compliance of the order to Principal Registrar of this Bench. Whereas, the photocopy of the notice and service report of process server be kept with this record.

4. The enquiry was assigned to the Principal Registrar of this Bench of High Court. However, it was pointed out by the

registry that under section 340 of Cr.P.C., enquiry should have been conducted by the Court itself and, therefore, by order dated 30.06.2015, this Court modified earlier order passed by the Co-ordinate Bench and directed the registry to place the matter before the Court for conducting enquiry.

5. During the enquiry, statements of process server Arun Bhalerao was recorded on 09.09.2015. He confirmed that he served notice bearing No.1762 dated 12.08.2014 on the respondent personally and also respondent signed it before him. He was also cross examined by counsel for the

respondent. In his statement, he also stated that on that day, another process server of Ujjain District Court, Bharat Singh Chouhan was also on beat on that particular day and he was with him when notice was served. He witnessed that notice was served personally on the respondent. Subsequently, statement of Bharat Singh Chouhan was also recorded and he confirmed in his statement that notice was served personally on the respondent.

6. After recording the statements and taking into consideration the served notice bearing No.1762 dated 12.08.2014 and enclosed hukmnama, it is apparent that notice was served personally on the respondent while in the affidavit, he mentioned that notice was served on his staff.

7. Counsel for the respondent cited judgment of Hon'ble the Supreme Court in the case of Chhaju Ram Vs. Radhey Shyam reported in 1971 Law Suit (SC) 204. In para 7 of the Judgment, Hon'ble the Supreme Court observed here as

under:-

(6)-----

(7) The prosecution for perjury should be sanctioned by courts only in those cases where the perjury appears to be deliberate and conscious and the conviction is reasonably probable or likely. No doubt giving of false evidence and filing false affidavit is an evil which must be effectively curbed with a strong hand but to start prosecution for perjury too readily and too frequently with, out due care and caution and on inconclusive and doubtful material defeats its very purpose. Prosecution should be ordered when it is considered expedient in the interests of justice to punish the delinquent and not merely because there is some inaccuracy in the statement which may be innocent or immaterial. There must be prima facie case of deliberate falsehood on a matter of substance and the court should be satisfied that

there is reasonable foundation for the charge.

8. It is to be seen whether, it is in the interest of justice to punish the respondent whether, such lapses on his part are immaterial and innocent.

9. Counsel for the respondent argues that it was unintentional mistake on the part of the respondent and, therefore, no action should be taken against him.

10. In my considered opinion, however, more cautious and responsible approach was expected from the respondent being representative of people and professor himself. He is expected to understand the consequences of not appearing before the Court of law and specially before the High Court. Therefore, in this case, lenient and sympathetic view is not called for. In this view of the matter, I find that prosecution for perjury should be initiated against the respondent.

11. The Principal Registrar of this Court is authorised under section 195 (1)(b)(i) to file complaint in the concerning court of Magistrate. The Principal Registrar is directed to draft the complaint and place it before the Court for approval.

(Alok Verma) Judge Kratika/-

06.10.2015 Shri Sanjay Sharma, counsel for the applicant. Shri Mukesh Parwal, counsel for the respondent/State.

Case diary is available.

This is second bail application filed by the applicant under section 439 of the Code of Criminal Procedure for grant of bail.

The accused/applicant was arrested by the Police Station - Industrial Area, Jaora, District - Ratlam in Crime No.153/2015 under sections 307, 394, 341 and 506 of IPC.

According to the prosecution, present applicant alongwith other co-accused committed loot on the complainant Brajmohan and Babu. They also fired gunshot due to which, the complainant sustained some injuries. The present applicant alongwith the other co-accused, it is alleged, fled away from the spot. The matter was reported to the police station - Industrial Area, Jaora, District - Ratlam on which Crime No.152/2015 was registered. Thereafter, the Station Incharge of police station alongwith Constable Deepak Bhuria accompanied by complainant Brajmohan, Babu and Mohammad Anwar went out in search of the miscreants. They were told that three motorcycles went towards village Barkhedi and when they were going towards village Barkhedi, they saw four persons on three motorcycles. Present applicant was also there. When they were challenged by the police party, they opened gun fire on them. Nobody from the police party sustained any injury, however, in return, the police party also opened fire on them due to which, present applicant sustained injuries on his both thighs. Subsequently, present applicant and another co-accused Sunil were arrested.

This second application is filed on the ground that nd

(i) co-accused Sunil was granted bail by 2 Additional Sessions Judge on the ground that in the earlier part of prosecution story, in which present applicant allegedly committed loot on the complainant, co-accused Sunil was not identified by the complainant. (ii) There were four accused persons according to the prosecution story. However, during investigation, two accused persons fled away. The police did not take any action to trace the persons, who fled away from the spot and (iii) The prosecution witnesses Ghanshyam @ Kalu, Babulal and Mohd. Anwar gave affidavits in which they denied that any incident took place with them.

In this case, the incident took place in two parts. In the first part, loot was committed on the complainant and his companion Babu. In the second part, when the matter was reported to the police, the police tried to chase accused persons and then, it is said that present applicant fired gunshot which did not hit any of the police man but when the police fired in reply, present applicant sustained gunshot injuries. Two separate First Information Reports were prepared for Crime Nos.152/2015 and 153/2015.

Counsel for the applicant submits that as case of the co- accused Sunil is similar to the present applicant, present applicant should also be granted bail.

nd I have gone through the orders passed by learned 2 Additional Sessions Judge.

It is unfortunate that learned Additional Sessions Judge did not consider whether, case of the co-accused was similar to present applicant while bail application of the present applicant was dismissed by this Court on merits. There was no occasion for learned Additional Sessions Judge to grant bail to the co-accused, who was similarly placed. This apart, taking the affidavits filed by certain prosecution witnesses into consideration, is also not called for at this stage.

On merits, it is admitted that present applicant suffered gunshot injuries during the incident which shows his presence on the spot. The other co-accused, who was granted bail by learned Additional Sessions Judge, was named in the FIR and was identified by witnesses. The police, who went in search of the culprits, was an eye witness and even if some prosecution witnesses turned hostile, statements of the police in this case, cannot be disbelieved merely because they are police personnels. When the police personnels are eye witnesses, their statements must be examined like that of interested witnesses. But they are competent witnesses and their statements cannot be rejected on the face of it.

In this view of the matter, I find no change in the circumstances. This second application is not tenable, liable to be dismissed and is hereby, dismissed.

Let a copy of this order be sent to the Registrar cum P.P.S. to Hon'ble the Chief Justice with a request to place the same before Hon'ble the Chief Justice for necessary directions and suitable action.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

06.10.2015 Shri Nilesh Dave, learned counsel for the applicant. Shri Mukesh Parwal, learned counsel for the respondent /State.

This is first application under section 439 of Cr.P.C. Counsel for the applicant fairly submits that in this case, quantity of the contraband involved is commercial quantity, therefore, bar created by section 37 of NDPS Act shall operate. He further submits that looking to the period of custody of present applicant, which is about 2 years and 7 months, direction be issued to the trial Judge for expeditious conclusion of the trial.

Prayer is allowed.

The application is accordingly, dispose of with direction to the trial Judge to decide the case, as expeditiously as possible and in any case, not later than six months from the date of receipt of certified copy of this order. If trial is not concluded within the period specified, present applicant shall be at liberty to renew his prayer for grant of bail.

With the aforesaid direction and liberty, the application stands disposed of.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

06.10.2015 Shri AK Saraswat, learned counsel for the applicant. Shri Mukesh Parwal, learned counsel for the respondent /State.

Case diary is available.

This is 1st application filed by the applicant under section 439 of the Code of Criminal Procedure for grant of bail.

The accused/applicant was arrested by the Police Station - Raoji Bazar, District - Indore in Crime No.249/2015 under section 34 of MP Excise Act for keeping in her possession 57.6 bulk liters of contraband country liquor.

Learned counsel for the State opposes the bail application on the ground that as per the report received from the concerning police station, present applicant is a habitual offender and dealing with in contraband country liquor though, there is no crime registered against her apart from the present case.

Arguments heard, case diary perused. Learned counsel for the applicant submits that present applicant is a lady and falsely implicated in the case.

Taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application filed under section 439 of the Cr.P.C. is allowed on the condition that after being released on bail, she will not indulge in any kind of criminal activities whatsoever. It is directed that the applicant shall be released on bail subject to the aforesaid condition and on her furnishing a personal bond of Rs.30,000/- (Rs. Thirty Thousand only) and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for her appearance on all the dates of hearing as may be directed in this regard during trial.

She is further directed that on being so released on bail, she would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

In case of breach of the aforesaid condition of this bail order, the bail order shall be deemed to have been cancelled without reference to this Court.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

06.10.2015 Shri Lokendra Gangarekar, learned counsel for the applicant. Shri Mukesh Parwal, learned counsel for the respondent /State. This is second application under section 439 of Cr.P.C. The first application was dismissed as withdrawn in MCRC No.5090/2015 vide order dated 07.08.2015.

After arguing the matter for some time, counsel for the applicant seeks to withdraw the application and prays that direction be issued to the trial Court to conclude the trial, as expeditiously as possible.

Prayer is allowed.

The application is dismissed, as withdrawn with direction to the trial Judge to dispose of the matter, as expeditiously as possible and not later than six months from the date of receipt of certified copy of this order.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

06.10.2015 Shri Vivek Singh, learned counsel for the applicant. Shri Mukesh Parwal, learned counsel for the respondent /State.

Case diary is available.

This is first bail application under section 439 of the Code of Criminal Procedure for grant of bail filed by the applicant.

The accused/applicant was arrested by the Police Station - Ingoriya, District - Ujjain in Crime No.312/2015 under sections 341, 294, 323, 506/34 and 376 (D)/34 of IPC.

According to the prosecution story, the incident took place on 21.06.2015 when the prosecutrix went to attend call of nature at about 08.30 in the night. It is alleged that present applicant alongwith two other co-accused caught hold of her and committed gang rape on her. Thereafter, they also threatened her that if she disclose the incident to anybody, they would kill her.

When the matter was reported on 21.06.2015, there was no mention of committing rape with her in the FIR. In her statement recorded on 22.06.2015 also, there was no such allegation of rape. However, her statement was again recorded on 24.06.2015 then, she added the incident of rape. She was medically examined in which some bruises on both her thighs and no other injury was found. In her statement made under section 164 of Cr.P.C. also which was recorded on 24.06.2015, she narrated the whole incident, as she narrated under section 161 of Cr.P.C.

Learned counsel for the State opposes the application. Arguments heard, case diary perused. Learned counsel for the applicant submits that only one accused Govind was named in the FIR. However, in her statements made under section 164 of Cr.P.C., she stated that she knew all the accused persons.

Taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application filed under section 439 of the Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand only) and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

He is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

06.10.2015 Shri Anupam Chouhan, counsel for the applicant. Shri Mukesh Parwal, counsel for the respondent/State. Counsel for the State seeks time to argue the matter, as statement of prosecutrix under section 164 of Cr.P.C. is not available in the case diary.

List in the next week.

(Alok Verma) Judge Kratika/-

06.10.2015 Case diary is not available.

List in the next week.

(Alok Verma) Judge Kratika/-

06.10.2015 Shri Manoj Saxena, learned counsel for the applicant. Shri Mukesh Parwal, learned counsel for the respondent /State.

Case diary is available.

This is first bail application under section 439 of the Code of Criminal Procedure for grant of bail filed by the applicant.

The accused/applicant was arrested by the Police Station - Lalghati, District - Shajapur in Crime No.02/2015 under sections 363, 366 and 376(2)(n) of IPC and under section 3/4 of Protection of Children from Sexual Offence Act.

According to the prosecution story, the prosecutrix, who was aged about 17 years and 7 months at the time of incident, went missing. Subsequently, she was recovered from possession of the present applicant. In her statement made under section 164 of Cr.P.C., she did not support case of the prosecution and stated that she was married to the present applicant and went with him with her own free will.

Learned counsel for the State opposes the application. Arguments heard, case diary perused. Learned counsel for the applicant submits that in the Ossification Test, age of the prosecutrix was assessed to be 18 to 19 years. He further submits that she was major at the time of the incident. She went with the present applicant with her own consent, therefore, no case is made out against the present applicant.

Taking into consideration all the facts and circumstances of the case, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application filed under section 439 of the Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand only) and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

He is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

05.10.2015 Ms. Shraddha Dixit, learned counsel for the applicants.

Shri Mukesh Parwal, learned counsel for the respondent/State.

This is second application under section 438 of Cr.P.C. filed on behalf of present applicants for grant of anticipatory bail. Their first application was dismissed, as withdrawn in MCRC No.4922/2015 vide order dated 22.06.2015. A liberty was granted to the present applicants to surrender before the trial Court and direction was given to the trial Court to decide the application of regular bail, as expeditiously as possible.

This second application is filed on the ground that there is subsequent change in the circumstances. The present applicants found in possession of Compact Disk in which brother of the deceased Dheeraj gave statement to the TV Channel that the deceased committed suicide when the police came in search of him, as complaint was lodged against him by one Pinky Sen. However, such statements given to a news channel or news published in the news paper do not form any change in the circumstances. Instead of availing the liberty granted by this Court, this second application is filed.

Accordingly, in the considered opinion of this Court, no case is made out for grant of anticipatory bail to the present applicants. The application is not maintainable, deserves to be dismissed and is hereby, dismissed.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

05.10.2015 Shri Manish Vijayvargiya, learned counsel for the applicants.

Shri Mukesh Parwal, learned counsel for the respondent no.1/State.

This is first application under section 438 of Cr.P.C. filed on behalf of present applicants for grant of anticipatory bail.

The applicants apprehend their arrest in Criminal Complaint No.586/2015 pending before learned JMFC, Shujalpur under section 467, 468, 420 and 120-B of IPC.

As per the allegations made in the complaint, present applicants sold the land in joint ownership of the complainant and the present applicants and conspiring with the accused No.1- Ramesh. They also got the land mutated in their names.

Respondent No.2 was served notice of this application but he failed to appear before the Court.

Counsel for the applicants submits that initially learned JMFC refused to take cognizance on the ground that it is purely a civil matter, however the complainant filed revision of the order and on the direction of the revisional court, cognizance was taken. According to them, it is a case based on the documentary evidence. There is no chance of the present applicants' absconding, therefore, bail may be granted to the present applicants.

Arguments heard. Case diary perused. Counsel for the State opposes the application. Taking all the facts and circumstances of the case into consideration, without commenting on the merits of the case, I find that it is fit case where the benefit of provision under section 438 of Cr.P.C. may be extended to the present applicants. Accordingly, the application is allowed.

It is directed that in the event of arrest, the applicants shall be released on anticipatory bail on their furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand only) each and a solvent surety each of the like amount to the satisfaction of the concerning Magistrate or Arresting Officer as the case may be, with the following conditions:-

- (i) that they shall make themselves available for interrogation by a police officer as and when required.
- (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iii) that they would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

05.10.2015 Shri Girish Desai, learned counsel for the applicants.

Shri Govind Purohit, learned counsel for the respondent/EOW.

This is first application under section 438 of Cr.P.C. filed on behalf of present applicants for grant of anticipatory bail.

The applicants apprehend their arrest by Police Station - Economic Offences Wing, District - Indore in Crime No.35/2012 under sections 420, 406, 409 and 120-B of IPC.

According to the prosecution story, present applicants were office bearers of the Co-operative Housing Society. They purchased some agricultural land in the year 1987. According to the prosecution, they purchased land by the Cooperative Society in contravention of Nagar Bhoomi (Seema Evam Viniyam) Adhiniyam, 1976. Subsequently, about 2 and half acre of the land was sold by the society and the society earned profit of Rs.7,00,000/-. According to the prosecution, profit earned by the society was not distributed by the office bearer to members of the society and they also did not allot the land which remained in possession of the society.

According to the applicants, charge-sheet was filed under sections 420, 406 and 120-B of IPC, however, taking the present applicants are agents of the members of the society, the Magistrate took cognizance under section 409 of IPC.

Arguments heard. Case diary perused. Counsel for the State opposes the application. Counsel for the applicants submits that the matter began in the year 1987 when the land was purchased. There is no likelihood of the present applicants' absconding, as they are not habitual offenders and they are reputed persons of the society. The matter is based on the record and their presence is not required for investigation or for custodial interrogation.

Taking all the facts and circumstances of the case into consideration, without commenting on the merits of the case, I find that it is fit case where the benefit of provision under section 438 of Cr.P.C. may be extended to the present applicants. Accordingly, the application is allowed.

It is directed that in the event of arrest, the applicants shall be released on anticipatory bail on their furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand only) each and a solvent surety each of the like amount to the satisfaction of the concerning Magistrate or Arresting Officer as the case may be, with the following conditions:-

- (i) that they shall make themselves available for interrogation by a police officer as and when required.
- (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (iii) that they would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

05.10.2015 Shri AK Saraswat, learned counsel for the applicant. Shri Mukesh Parwal, learned counsel for the respondent /State.

Case diary is available.

This is first bail application under section 439 of the Code of Criminal Procedure for grant of bail filed by the applicant.

The accused/applicant was arrested by the Police Station - Jawad, District - Neemuch in Crime No.488/2014 under sections 8/18 (B), 29 of NDPS Act.

According to the prosecution story, present applicant was travelling in car which belongs to co-accused, who was driving the car. From the gates of the car, inside the panels, there were secret chambers from which total 15 kg of the contraband Opium was recovered.

Counsel for the applicant submits that present applicant is a handicapped person. He has filed necessary documents to show that he is handicapped.

However, verification could not be done by counsel for the State. Still, he fairly admits that present applicant is handicapped person. However, counsel for the State submits that his defence that he only took lift in the car, from which the contraband was recovered, cannot be seen at this stage. He further submits that as per the source information received by the police, name of the present applicant was informed, therefore, he seriously opposed the bail application.

Counsel for the applicant submits that there is joint memo prepared under section 50 of the NDPS Act. He cites judgment of Hon'ble the Supreme Court in the case of State of Rajasthan Vs. Parmanand and another reported in 2014 Cr.L.R. (SC) 290 in which it was held that joint communication of the right under section 50 would result in diluting the right. Accused must always be individually informed.

However, at this stage, when we are considering bail, the effect of such joint memo cannot be seen. The main criteria can be seen whether the joint memo caused any prejudice to the defence of the present applicant, which can only be seen at the time of final hearing. At this stage, it cannot be said that merely because joint memo was prepared, the present applicant is entitled for bail.

So far as his defence is concerned that he took lift in the car without knowing that the contraband was being transported in the car and also that the contraband was in the door of the car, which was not in the knowledge of the present applicant, this fact can only be determined at the final stage after recording of the evidence. At this stage, no inference can be drawn. Looking to the quantity of the contraband, no case for grant of bail to the present applicant is made out.

The application is accordingly, dismissed. Certified copy as per rules.

(Alok Verma) Judge Kratika/-

05.10.2015 None for the applicant.

Ms. Mini Ravindran, counsel for the respondent. Shri RS Sisodiya - respondent No.3 is present in person before the court. He submits that he has furnished bail in the concerning police station.

Counsel for the respondent submits that she has already filed reply on behalf of the respondent, therefore, she prays that personal appearance of this respondent be exempted.

Prayer is allowed.

Respondent No.3 - Shri RS Sisodiya is exempted from his personal appearance.

List after two weeks.

(Alok Verma) Judge Kratika/-

05.10.2015 Shri Bhaskar Agrawal, learned counsel for the applicant.

Smt Mamta Shandilya, learned counsel for the respondent /State.

Case diary is available.

This is first bail application under section 439 of the Code of Criminal Procedure for grant of bail filed by the applicant.

The accused/applicant was arrested by the Police Station - Khargone, District - Khargone in Crime No.276/2015 under sections 364-A of IPC and under section 66 of Information Technology Act, 2000.

According to the prosecution story, report was lodged on 26.05.2015 by brother of the prosecutrix stating therein that at about 3 pm in the afternoon, she left her home saying that she was going to her friend's house and thereafter, she did not come back. On 01.06.2015, a message was received on the mobile phone asking for ransom of Rs.2,00,000/-, which she was using prior to going out from her home. Subsequently, it was found that the mobile phone, from which the message was given, was registered in the name of the present applicant and in further investigation it was found that the mobile phone was being used by one Shanu, who was cousin of the present applicant and the co-accused.

Learned counsel for the State opposes the application on the ground that the prosecutrix is still untraceable.

Arguments heard, case diary perused. Learned counsel for the applicant submits that the prosecutrix was 21 years of age when she left her home. She is living with one Waseem to whom she is married now. He has filed affidavit of the prosecutrix and Waseem Taking into consideration all

the facts and circumstances of the case and also the role assigned to the present applicant, without commenting on the merits of the case, I am of the view that it is a fit case for grant of bail. The application filed under section 439 of the Cr.P.C. is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond of Rs.50,000/- (Rs. Fifty Thousand only) and one solvent surety of the like amount to the satisfaction of the concerned Magistrate for his appearance on all the dates of hearing as may be directed in this regard during trial.

He is further directed that on being so released on bail, he would comply with the conditions enumerated under section 437(3) Cr.P.C. meticulously.

Certified copy as per rules.

(Alok Verma) Judge Kratika/-

05.10.2015 Shri Bhaskar Agrawal, counsel for the applicant. Smt. Mamta Shandiya, counsel for the respondent/State. Case diary is available.

Counsel for the applicant seeks time to argue the matter.

List in the next week, as prayed.

(Alok Verma) Judge Kratika 05.10.2015 Case diary is not available.

List in the next week.

(Alok Verma) Judge Kratika 01.10.2015 Shri Mohanlal Patidar, counsel for the applicant. Shri Aniruddh Gokhle, counsel for the respondent. Counsel for the respondent seeks time to argue the matter, as the arguing counsel is not available today.

Meanwhile, record of the lower court be called for. List after a week alongwith the record of the lower court.

(Alok Verma) Judge Kratika/-

01.10.2015 Accused/appellant - Nagendra Singh is not present today before this Court.

None appears on his behalf.

Issue bailable warrant in the sum of Rs.20,000/- against the appellant/accused - Nagendra Singh, returnable on 11.12.2015.

(Alok Verma) Judge Kratika 01.10.2015 Shri Vishwesh Palsikar, counsel for the appellant. All parties are duly served. No further orders are required on the point of service.

None appeared on behalf of the respondents. List for consideration of I.A. No.7400/2014, an application filed under section 5 of the Limitation Act for condonation of delay after a week.

(Alok Verma) Judge Kratika 01.10.2015 Service report of respondents No.1 and 2 is awaited. List after two weeks alongwith the service report of respondents No.1 and 2.

(Alok Verma) Judge Kratika 01.10.2015 Respondent No.3 is served and power has been filed on his behalf. All other parties are duly served. No further orders are required on the point of service.

Let record of the lower court be called for. List for admission in due course.

(Alok Verma) Judge Kratika 01.10.2015 Service report of respondents No.1 to 3 is awaited. List after two weeks alongwith the service report of respondents No.1 to 3.

(Alok Verma) Judge Kratika 01.10.2015 Shri Anil Ojha, counsel for the applicant. Shri KK Tiwari, counsel for the respondent. Counsel for the respondent seeks time to argue the matter.

List in the next week for final disposal, as prayed.

(Alok Verma) Judge Kratika 01.10.2015 Shri Himanshu Paliwal, counsel for the appellant. Shri Sadashiv Joshi, counsel for the respondent No.4/Insurance Company.

On payment of fresh PF and correct details within two weeks, let notice be issued to the respondents No.1 to 3, returnable within four weeks.

(Alok Verma) Judge Kratika 01.10.2015 Shri Nilesh Dave, counsel for the applicant. Shri Romesh Dave, counsel for the respondent/State. Counsel for the applicant submits that the defect pointed out by the office has already been cured. He further submits that he has filed I.A. No.7591/2015, which is an application for condonation of delay.

Office to verify and list for consideration of I.A. No.7591/2015 in the next week.

(Alok Verma) Judge Kratika 01.10.2015 Shri Subodh Choudhary, counsel for the appellant. Respondent's Advocate comes from outside. List on 07.10.2015.

(Alok Verma) Judge Kratika 01.10.2015 Shri Romesh Dave, counsel for the appellant/State. On payment of fresh PF, issue notice to the respondents as directed by the Court vide order dated 23.07.2015.

(Alok Verma) Judge Kratika 01.10.2015 Shri Shahid Sheikh, counsel for the appellant. As per the office note, the defect has been cured. Issue notice to the respondent(s) on payment of PF within a

week, returnable within four week.

Let record of the lower court be called for.

(Alok Verma) Judge Kratika 01.10.2015 Shri GK Neema, counsel for the appellant. Heard on I.A. No.7220/2015, which is an application under section 149 read with section 151 of CPC for grant of time for payment of Court fees.

After due consideration, the application is allowed. Eight weeks' time is granted to the appellant for payment of Court fees.

(Alok Verma) Judge Kratika 01.10.2015 Shri Jitendra Mandloi, learned counsel for the applicant.

Shri Ramesh Gangare, learned counsel for the respondents.

Counsel for the applicant submits that present applicant is a very poor person. He works as labourer and earns Rs.100/- per day. He further submits that he has deposited Rs.26,000/-.

Counsel for the respondent submits that the total amount due is Rs.1,26,000/- and he has not deposited 50% of the amount.

This Court ordered on 17.07.2015 for deposition of 50% of the amount of arrears within four weeks, which order has not been complied by the applicant.

Looking to his financial condition, further six weeks' time is granted for payment of 50% of amount of arrears. After lapse of this period, the respondent is free to take legal action for recovery of the amount against the present applicant.

List in the week commencing 26.10.2015.

(Alok Verma) Judge Kratika 01.10.2015 Shri Romesh Dave, learned counsel for the applicant/State.

Heard on I.A. No.5391/2015.

Issue notice of I.A. No.5391/2015 as well as main application filed under section 378(3) of Cr.P.C. to the respondents on payment of PF within a week, returnable within four weeks.

(Alok Verma) Judge Kratika 01.10.2015 Shri Shashank Shrivastav, learned counsel for the applicant.

Counsel for the applicant prays for and is granted a week's time to cure the defect pointed out by the office.

List after a week, as prayed.

(Alok Verma) Judge Kratika