

Gautam Vs State Of Madhya Pradesh

Miscellaneous Criminal Case No. 6876 Of 2024

Court: Madhya Pradesh High Court

Date of Decision: Feb. 17, 2024

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 437(3), 439#Indian Penal Code, 1860 " Section 34, 420, 467, 468, 471

Hon'ble Judges: Vishal Dhagat, J

Bench: Single Bench

Advocate: Sankalp Kochar, Ramanuj Choubey

Final Decision: Allowed

Judgement

Vishal Dhagat, J

1. This is first application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of regular bail relating to FIR

No.732/2022 registered at Police Station Kareli, District Narsinghpur (M.P.) for the offence under Sections 420, 467, 468, 471, 34 of the IPC.

2. Learned counsel appearing for the applicant submitted that applicant is innocent and has falsely been implicated in the case. He is bonafide

purchaser of land in question and he has further sold the land to complainant. Later on, when complainant went to the spot for taking possession of

land, it was learnt that land was not in possession of applicant and is in-fact the lease hold of the State Government and applicant does not have Bhumi

Swami rights over it. It is submitted that applicant was not aware of said fact. Dispute is having civil colours. No offence under Section 467 of the

IPC is made out against the applicant. Other offences are punishable upto seven years of imprisonment. Applicant is an old person of 62 years. In

these circumstances, applicant may be granted bail.

3. Learned Government Advocate appearing for the State opposed the application for grant of bail. It is submitted that applicant has purchased the

land from Kharagram, Mohan, Dabbu, Kallu Bai, Bhaggu, Gulam and Nanhe. He was aware that land is of Government lease and cheated the person

and sold the property. It is further submitted that investigation is incomplete. In these circumstances, applicant may not be granted bail.

4. Heard the counsel for the parties.

5. Applicant is an old person of 62 years. There is also civil dispute between original sellers and the government on cancellation of lease. In said cases,

sellers have not disclosed that they have sold the government land to some other person. Applicant is purchaser of land in question from original

holder. Custodial interrogation of applicant is over and he has been sent to jail. He is no longer required by police for custodial interrogation and

incriminating material is recorded in writing.

6. Considering aforesaid facts of the case, without commenting on the merits of the case, bail application filed by applicant is allowed. It is directed

that the applicant shall be released on bail on furnishing personal bond of Rs.50,000/- (Rs. Fifty Thousand Only) with one solvent surety in the like

amount to the satisfaction of the trial Court concerned for his regular appearance before Court on all such dates as may be fixed in this regard during

pendency of trial.

7. The applicant shall also abide by the following conditions of Section 437 (3) of Cr. P. C. as under:-

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

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

suspected and;

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to

dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

C.C. as per rules.