

M.Cr.C.No.6497/2012

31.08.2012

Shri Yashpal Rathore, learned counsel for the applicant.

Shri Rahul Vijayvirgiya, learned Counsel for the respondent/State.

By this application filed under Section 439 of the Cr.P.C. applicant **Shugarsingh** has moved the application for grant of bail being implicated in Crime No.331/2012 registered by police station Thandla, Jhabua for offence under Sections 420, 467, 468 & 471 of the IPC.

Counsel for the applicant has vehemently urged the fact that it is a case of false implication and submitted that it was the first offence. Moreover, the applicant was the Manager of Adim Jati Seva Saharari Sansatha, Khawasa, Tehsil Thandla, District- Jhabua and alleged to have mis-appropriated a sum of Rs.20,000/- from the account of one Devkunwarbai and Rs.15,000/- from the account of Naharsingh, which the applicant was willing and ready to deposit even today. Counsel submitted that the applicant has full chance of success in the trial and prayed that the application be allowed since the applicant has been arrested on 04.08.2012. Counsel further submitted that the applicant had been admitted to M.Y. Hospital, Indore. Counsel submitted that there was no likelihood of the absconding since he is a permanent resident of village Khawasa, Tehsil Thandla, District- Jhabua.

Counsel for the respondent/State, on the other hand, has opposed the submissions of the Counsel for the applicant and has admitted that there was no other criminal cases recorded against the applicant. However, Counsel prayed for dismissal of the application.

On considering the peculiar facts and of circumstances of the case it is directed that :

(i) The application is allowed subject to the condition that

the applicant shall deposit a sum of Rs.35,000/- in the Trial Court within a period of **15 days** from today and the amount shall be disbursed tot the complainants Devkunwarbai and Naharsingh, if not already paid.

(ii) However, stringent measures need to be imposed, therefore, it is ordered that the applicant be released on bail on his furnishing a bail bond for a sum of **Rs.25,000/-** (*Rupees Twenty Five Thousand only*) with one surety of like amount to the satisfaction of the Trial Court for his appearance before the concerned trial Court on all dates of hearing as may be fixed by the Trial Court in this behalf during the pendency of trial.

(iii) By way of abundant caution, it is further directed that the applicant shall also mark his presence in the concerned police station on the first **Sunday of every month** between 10.00 a.m. to 12.00 noon during pendency of the trial. Any default in attendance in court and marking presence in the concerned police station, would result in cancellation of bail granted by this Court thereby entitling the police to take the applicant in custody immediately.

It is also directed that the applicant shall abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

Cc. as per rules.

(Mrs. S.R. Waghmare)
Judge

Jyoti