

**HIGH COURT OF MADHYA PRADESH :INDORE BENCH**

**M.Cr.C. No.53209/2020**  
**(Ashutosh Sharma Vs. State of M.P.)**

**Indore dated :31.12.2020**

Shri Lucky Jain, learned counsel for the applicant.

Shri Tarun Pagare, learned Panel Lawyer for the non-applicant/State.

Heard through video conferencing on the question of grant of bail.

This is an application filed by the applicant under Section 438 Cr.P.C. for grant of anticipatory bail.

Notice of this application was served on the State Counsel. Case diary as per the direction of this Court has been produced for perusal and it is accordingly perused.

The applicant is apprehending his arrest for offence punishable under Section 292-C(2) of M.P. Municipal Corporation Act, 1956 registered with Police Station – Nagjhiri, District – Ujjain(M.P.) in Crime No.366/2020.

The allegation against the present applicant is that he has developed a colony unauthorizedly without taking approval of T.N.C.P. and without the colonizers licence and has sold the plot to different persons, therefore, has committed offence under Section 292-C(2) of the Municipal Corporation Act.

Learned counsel for the the applicant submits that the applicant has sold the plot from his own personal land and there is no allegation against the present applicant in respect of misappropriation of any others land. He also submits that the applicant has no criminal antecedents and that entire case is based upon the documentary evidence and custodial interrogation in the case is not required. He further submits that in the similar circumstances, in respect of other persons, the Principal Seat has granted bail by order dated 25/01/2019 in batch of matters i.e., in

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M.Cr.C. No.1911/2019, M.Cr.C. No.1907/2019 and M.Cr.C. No.1909/2019. He further submits that the applicant undertakes to fully co-operate during the investigation.

In reply, learned Panel Lawyer for the State has opposed the application for grant of anticipatory bail, but he has not disputed that the applicant has sold the plot from his personal land.

In regard to the circumstances of the case, I am of the opinion that a case for grant of anticipatory bail is made out.

Accordingly, the anticipatory bail application is allowed and it is directed that in the event of the applicant's arrest, in connection with Crime No.366/2020 the applicant be released on bail upon his furnishing a bail bond of **Rs.50,000/-(Rupees Fifty Thousand)** with one surety of the like amount to the satisfaction of Station House Officer of the Police Station concerned. The applicant is further directed to appear before the Investigating Officer within a period of two weeks from today. He would abide by the conditions mentioned in Section 438(2) Cr.P.C.

Certified copy as per rules.

**(Prakash Shrivastava)**  
**Vacation Judge**

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Preetha Nair  
Date: 2020.12.31  
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