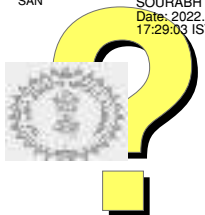


IN THE HIGH COURT OF MADHYA PRADESH AT INDORE**BEFORE****HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA****ON THE 31st OF JANUARY, 2022****MISC. CRIMINAL CASE No. 4862 of 2022****Between:-****PRAHLAD S/O RUPCHANDRA PORWAL , AGED
ABOUT 57 YEARS, OCCUPATION: BUSINESS
SARDAR PATEL MARG, TAAL (MADHYA
PRADESH)****.....PETITIONER****(BY SHRI L.R. BHATNAGAR, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
TAAL (MADHYA PRADESH)****.....RESPONDENTS****(BY SHRI VIRAJ GODHA, PANEL LAWYER)****MISC. CRIMINAL CASE No. 4864 of 2022****Between:-****VIJAY KUMAR S/O RUPCHANDRA PORWAL ,
AGED ABOUT 45 YEARS, OCCUPATION:
BUSINESS SARDAR PATEL MARG, TAAL
(MADHYA PRADESH)****.....PETITIONER****(BY SHRI L.R BHATNAGAR, ADVOCATE)****AND****THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
TAAL (MADHYA PRADESH)****.....RESPONDENTS****(BY SHRI VIRAJ GODHA, PANEL LAWYER)****(Heard through Video Conferencing)*****This appeal coming on for orders this day, Hon'ble Shri Justice******Vijay Kumar Shukla, Judge passed the following:*****ORDER**

These are the first application of the applicant under Section 438 of Cr.P.C. for grant of anticipatory bail in connection with Crime No.434/2021 registered at Police Station: Taal, Ratlam for the offences under Sections 420 of



the IPC, 339-C of the MP Municipalities Act.

As per prosecution story, the allegation against the applicants are that they committed fraud with the complainant and has diverted the plots and has undertaken the work of the colonizer.

Learned counsel for the applicants submits that he has not carried out any work contrary to the conditions of the license granted to him. It is further submitted that the decision passed by the Apex Court in the case of Arnesh Kumar Vs. State of Bihar and others reported in (2014) 8 SCC 273 has also not been followed.

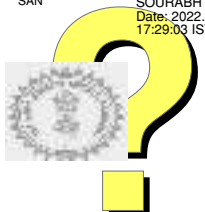
Learned counsel for the respondent/state has opposed the prayer and submits that the allegation against the applicants are that they have diverted the plots without there being any authority of law.

Taking into consideration the totality of the facts of the case, I am of the view that there is no material against the present applicant, therefore, the applicant is entitled for grant of anticipatory bail.

It is directed that in the event of arrest, applicants shall be released on bail on their furnishing a personal bond in a sum of Rs.100,000/- (Rs.One Lakh Only) each with one surety each in the like amount to the satisfaction of arresting officer on 05.02.2022 and when directed during the course of investigation. If the applicant shall not mark their presence before the concerned IO/Authority, the order of this Court stand cancel without further reference to this Court. The applicants shall further abide by the other conditions enumerated in sub-section (2) of Section 438 of Cr.P.C alongwith the following conditions:-

1. That, the applicants shall abide by all the conditions enumerated.
2. That the applicants shall mark their presence before the IO/Authority during the course of investigation.
3. The applicants will co-operate in the investigation or trial, as the case may be;
4. The applicants will not influence, induce or threat any of the witness;
5. The applicants will not seek unnecessary adjournments before the trial Court.
6. In case of breach of any of the conditions mentioned in this order, the bail order shall stand cancelled **automatically without further reference to this Court.**

Certified copy as per rules.



Sourabh

