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**IN THE HIGH COURT OF MADHYA PRADESH AT INDORE**  
**BEFORE**  
**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**  
**ON THE 28<sup>th</sup> OF FEBRUARY, 2022**  
**MISC. CRIMINAL CASE No. 8400 of 2022**

**Between:-**

**YOGESH S/O SHRI RAISINGH NETAWAT , AGED  
ABOUT 34 YEARS, OCCUPATION: DRIVER R/O 180  
MARUTI PALACE CHANDAN NAGAR (MADHYA  
PRADESH)**

**.....APPLICANT**

**(BY SHRI GURUMEET SINGH DANG, ADVOCATE )**

**AND**

**THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THROUGH POLICE STATION  
KARHI (MADHYA PRADESH)**

**.....RESPONDENT**

**(BY SHRI MUKESH KUMAWAT, ADVOCATE )**

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*This application coming on for orders this day, the court passed the  
following:*

**ORDER**

They are heard. Perused the case diary / challan papers.

This is the **first** application under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.274/2020 registered at Police Station Karhi, District Khargone (MP) for offence punishable under Sections 420, 34 of the Indian Penal Code, 1860 and Sections 4, 6(1) of M.P. Nikshepko Ke Hito Ka Sanrakshan Adhiniyam, 2000. The applicant is in custody since 09/12/2020.

Allegation against the applicant is that he along with other co-accused persons being the Director of the company Guru Sai Real Estate duped the innocent investors most of them were rustic villagers to the tune of Rs.5,27,000/-.

Counsel for the applicant has submitted that the charge sheet has already been filed, the applicant is in jail since 09/12/2020 and thus it has already been more than one year since the applicant is in incarceration. It is further submitted that the final conclusion of the trial is likely to take sufficient long time and the applicant is also ready to deposit the proportionate amount which falls in his

favour which comes to around Rs.80,000/- in the trial Court. Hence, it is submitted that the bail application be allowed and he be released on bail.

Counsel for the respondent / State, on the other hand has opposed the prayer and it is submitted that no case for grant of bail is made out.

Having considered the rival submissions and on perusal of the case diary as also the undertaking given by counsel for the applicant that the applicant is ready to **deposit Rs.80,000/-**, I find force with the contentions raised by the counsel for the applicant and the fact that the final conclusion of the trial is likely to take sufficient long time, in the considered opinion of this Court, the applicant's application deserves to be allowed.

Accordingly, without reflecting anything on the merits of the case, the application filed under Section 439 of Cr.P.C. on behalf of the applicant is hereby allowed **subject to deposit a sum of Rs.80,000/- (Rupees Eighty Thousand only)**, and the said amount shall be subject to the final outcome of the case by the trial Court.

It is further directed that upon **applicant's** depositing a sum of **Rs.80,000/-** in a fixed deposit in a nationalized bank and producing the receipt/certificate of the same before the concerned trial Court, he shall be released on bail on his furnishing a bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one surety bond of the same amount to the satisfaction of the trial Court, to appear before the trial Court on the dates given by the Court. The deposit receipt/certificate so produced by the applicant shall be endorsed by the learned Judge of the lower Court to be, 'furnished towards the bail of the applicant and shall be subject to the final decision of the case by the trial Court'.

It is made clear that if the applicant is again found to be involved in any other offence during the trial, this order shall stand cancelled automatically without reference to the Court and the police will be at liberty to arrest the applicant in the present case also.

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

Certified copy as per rules.

Pankaj

