

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 30th OF SEPTEMBER, 2022

MISC. CRIMINAL CASE No. 41526 of 2022

BETWEEN:-

**PARAS AGRAWAL S/O RATANLAL AGRAWAL,
AGED ABOUT 32 YEARS, OCCUPATION:
BUSINESS DHANMANDI, DHAR (MADHYA
PRADESH)**

....PETITIONER

**(AKASH RATHI, LEARNED COUNSEL FOR THE
PETITIONER)**

AND

**THE STATE OF MADHYA PRADESH STATION
HOUSE OFFICER THROUGH POLICE STATION
KOTWALI, DHAR (MADHYA PRADESH)**

..RESPONDENT

**(SEEMA MAHESHWARI PL APPEARING ON
BEHALF OF ADVOCATE GENERAL.
MEGHA JAIN, LEARNED COUNSEL FOR THE
RESPONDENT [OBJ]). COMPLAINANT ALSO
PRESENT IN PERSON.**

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

O R D E R

Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973. He is in Jail since 4.7.2022 in connection with Crime No. 480/2022 registered at P.S. - Kotwali Dhar District Dhar (M.P.) for commission of offence punishable under Section 408, 409 and 109 of IPC.

As per the prosecution story, on 18.6.2022 complainant filed a complaint at police station Kotwali Dhar against one Ashwin Goswami who was working as an Agent and cashier in Mahindra Showroom of Saumya Vehicles Pvt Ltd. Dhar company by stating that said Ashwin Goswami has fraudulently taken the total amount of Rs. 49,09,933/- which was owned by the company. During investigation on the basis of memorandum statement given by the co-accused under Section 27 of Evidence Act, present applicant has been implicated in this offence.

Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Applicant is in jail since 4.7.2022. No offence under section 408 and 409 of IPC is made out against the applicant. There is no legal evidence available on record to connect the applicant in the aforementioned offence. The complainant has no objection if bail is granted to applicant. The applicant is sole butter earner of his family. Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection.

Learned counsel for complainant Dinesh submits that complainant has filed affidavit by stating that he has received complete compensation amount from the applicant and nothing is due from the applicant, therefore, complainant has no objection if bail is granted to present applicant.

Perused the case diary as well as the impugned order of the court below.

Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that as per affidavit of complainant dispute between the applicant and complainant Dinesh has been resolved and complainant has pleaded no objection if bail is granted to applicant, the present applicant is not main accused, investigation is over but final conclusion of trial will take considerable long time, I deem it proper to release the applicant on bail.

Accordingly, without commenting on the merits of the case, the application is allowed. It is directed that the applicant be released on bail upon his furnishing a personal bond in the sum of **Rs.75,000/- (Rs. Seventy Five Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court for his appearance before the trial Court, as and when required. He shall

abide by the conditions enumerated u/S. 437(3) Cr.P.C.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

BDJ