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**IN THE HIGH COURT OF MADHYA PRADESH AT INDORE**  
**BEFORE**  
**HON'BLE SHRI JUSTICE RAJENDRA KUMAR (VERMA)**  
**ON THE 31<sup>st</sup> OF JANUARY, 2022**  
**MISC. CRIMINAL CASE No. 64892 of 2021**

**Between:-**

**KAMLESH SONI S/O NANDLAL SONI , AGED  
ABOUT 35 YEARS, OCCUPATION: SERVICE 29,  
E.W.S. JAWAHAR NAGAR (MADHYA  
PRADESH)**

**.....PETITIONER**

**(BY MS. POORVA MAHAJAN, ADVOCATE )**

**AND**

**THE STATE OF MADHYA PRADESH STATION  
HOUSE OFFICER THR. P.S. KSHIPRA (MADHYA  
PRADESH)**

**.....RESPONDENTS**

**(BY SHRI VISMIT PANOT, PANEL LAWYER )**

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**(Heard through Video Conferencing)**

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

**ORDER**

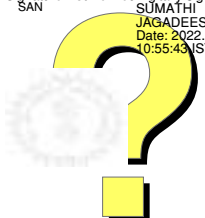
Heard. Case diary perused.

This is the first application filed by the applicant under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

The applicant is apprehending his arrest in connection with Crime No.486/2021 registered at Police Station Shipra, District Indore for the offences punishable under Section 420, 467, 468, 471/34 of IPC, 1860.

Allegation against the applicant is that he being employee of the DLF Garden City along with other co-accused persons has committed fraud with the complainants by selling the plot which was already mortgaged with the bank.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the aforesaid crime. The applicant is only the employee of the DLF Garden City and he has no knowledge that the plot



which is sold out was already mortgaged with the Bank. There is no overt act alleged against him. There is no likelihood of his absconding or tampering with the prosecution evidence. On these grounds, he may be enlarged on anticipatory bail.

Learned Panel Lawyer on the other hand has opposed the bail application and prayed for its rejection.

However, keeping in view the facts and circumstances of the case in their entirety particularly the facts as pointed out by learned counsel for the applicant, in the opinion of this Court, the applicant deserves to be released on bail. Consequently, this first application for bail under Section 438 of the Cr.P.C. filed on behalf of the applicant is **allowed**.

It is directed that in the event of his arrest, the applicant be released on anticipatory bail on his furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty thousand only)** with a solvent surety in the same amount to the satisfaction of the Arresting Officer for his appearance before the trial Court on all dates and for complying with the conditions enumerated in sub-Section (2) of Section 438 of the Cr.P.C.

**The applicant shall appear before the concerned Investigating Officer as and when required and shall cooperate in the investigation of the matter.**

C.C. as per rules.

**(RAJENDRA KUMAR (VERMA))**  
**JUDGE**

sumathi