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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE SANJAY DWIVEDI**

ON THE 30th OF NOVEMBER, 2022

MISC. CRIMINAL CASE No. 55312 of 2022

BETWEEN:-

**AMIT VIKRAM SHUKLA S/O SHRI GHANSHYAM
SHUKLA, AGED ABOUT 28 YEARS,
OCCUPATION: STUDENT VILLAGE CHAKGHAT
POST AND POLICE STATION CHAKGHAT
TEHSIL THYOTAR DISTRICT REWA M.P.
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI SUNIL KUMAR PANDEY, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH
POLICE STATION CHAKGHAT DISTRICT REWA
M.P. (MADHYA PRADESH)**

.....RESPONDENT

(BY SHRI AKHILENDRA SINGH, GOVT. ADVOCATE)

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

ORDER

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

The applicant is apprehending his arrest in Crime No.201/2022 registered at Police Station-Chakghat, District Rewa for the offence punishable under Section 420 of IPC.

Learned counsel for the applicant submits that a false story has been made by the complainant and reported to the police and on the basis of the same, offence got registered against the present applicant. However, counsel for

the applicant submits that cheque of the present applicant amounting to Rs. 4,97,000/- was lost and that got in possession of one Prasun Verma who is friend of the complainant, who sent notice to the present applicant about dishonour of said cheque. The said notice is available on record as Annexure A/2. He submits that when nothing materialized despite giving notice to the present applicant then complaint was made by Prasun Verma who is friend of the complainant. He submits that the offence is of 420 of IPC and the maximum prescribed punishment is of seven years and even in the light of the judgment of Supreme Court reported in (2014) 8 SCC 273 parties being Arnesh Kumar Vs. State of Bihar and Anr., the applicant cannot be arrested. He further submits that police can issue notice under Section 41 of Cr.P.C. and if is so requires, after giving notice to the applicant, he can be arrested. On these submissions, he prays that the applicant may be given the benefit of anticipatory bail.

On the other hand, learned counsel for the respondent/State has opposed the submission made by learned counsel for the applicant and submitted that it is a fraud played by the present applicant and by impersonation, claiming himself to be the owner of the land entered into an oral agreement to sell the land and received an amount of Rs. 4,97,000/- but neither he returned the said amount nor the registry got done and as such offence got registered against the present applicant. He, therefore, submits that looking to the conduct of the present applicant, he is not entitled to get the benefit of anticipatory bail.

Considering the arguments advanced by learned counsel for the parties and on perusal of case diary, I am inclined to enlarge the applicant on anticipatory bail with a direction that police may issue notice to the applicant if arrest of the present applicant is required and thereafter do the needful as required under law. Therefore, without commenting anything on the merits of

the case, this application is **allowed**.

It is directed that in the event of arrest, the applicant be released on bail upon his furnishing a bail bond in the sum of **Rs.1,00,000/- (Rupees One Lac)** with one solvent surety of the like amount to the satisfaction of Station House Officer/Arresting Officer of the Police Station concerned.

This order shall remain operative subject to compliance of following conditions by the applicant:-

1. The applicant will comply with all the terms and conditions of the bond executed by him;
2. The applicant will cooperate in the investigation/trial, as the case may be;
3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Police Officer, as the case may be;
4. The applicant shall not commit an offence similar to the offence of which he is accused;
5. The applicant will not seek unnecessary adjournments during the trial; and
6. The applicant will not leave India without prior permission of the trial Court/Investigating Officer, as the case may be.

Certified copy as per rules.

(SANJAY DWIVEDI)
JUDGE

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