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

**BEFORE
HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

ON THE 28th OF APRIL, 2023

MISC. CRIMINAL CASE No. 16810 of 2023

BETWEEN:-

**SHYAMLAL S/O NASARIYA SOLANKI, AGED ABOUT 38
YEARS, OCCUPATION: AGRICULTURIST R/O VILLAGE
SANGAVI P.S. OON DISTT. KHARGONE (MADHYA
PRADESH)**

.....APPLICANT

(SHRI VISHAL SHARMA, LEARNED COUNSEL FOR THE PETITIONER .

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE
OFFICER THROUGH POLICE STATION OON DISTT.
KHARGONE (MADHYA PRADESH)**

.....RESPONDENTS

***(SHRI GAURAV RAWAT APPEARING ON BEHALF OF ADVOCATE
GENERAL.***

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

ORDER

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

This is the first bail application filed by the applicant under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.455/2022 registered at Police Station Oon, District- Khargone (MP) for offence punishable under Sections 420, 467, 471, 409 of Indian Penal Code, 1860 and 3/7 of Essential Commodities Act. The applicant is in custody since 29.12.2022.

The allegation against the applicant is that he has mis appropriated the

amount around to the tune of Rs.8,00,000/- lacs.

Counsel for the applicant has submitted that the applicant has been falsely implicated in the case as he is a resident of Khargone. It is further submitted that the investigation is over and charge-sheet has been filed and the applicant is lodged in jail since 29.12.2022. It is further submitted that the difference of the amount has come due to the fact that POS Machines were not working and the distribution was made physically. Although, applicant is ready to deposit the aforesaid amount. The final conclusion of trial is likely to take sufficient long time.

Counsel for the respondent / State, on the other hand, has opposed the prayer.

On due consideration of submissions and on perusal of the case diary, it is found that the applicant has received the amount, however, considering the fact that the applicant is also ready to deposit certain amount, this Court deems it appropriate to allow the present application, **subject to the applicant depositing a sum of Rs.8 lakhs in the Trial Court.**

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 of total sum of **Rs.8,00,000/- (Rupees Eight Lacs)** by the applicant or any other person on his behalf, out of which, **Rs.3,00,000/- (Rupees Three Lakhs)** upfront before his release i.e. at the time of furnishing the bail bond in a fixed deposit in a nationalized bank and producing the receipt/certificate of the same before the concerned trial Court and **rest of Rs.5,00,000/-(Rupees Five Lakhs)** to be deposited by the applicant in **five equal installments of Rs.1,00,000/-(Rupees One Lakh)**

each within a period of six months from the date of his release in a fix deposit in a nationalized bank and producing the receipt/certificate of the same before the concerned trial Court and the said amount shall be subject to the final outcome of the case by the trial 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 applicants and shall be subject to the final decision of the case by the trial Court'.

It is further directed that the applicant shall be released on bail on his furnishing a bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, to appear before the trial Court on the dates given by the Court. This bail order shall be subject to furnishing an undertaking that the applicant will deposit the amount respectively as directed above. It is also directed that the applicants will abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

C.c. as per rules.

(SUBODH ABHYANKAR)
JUDGE

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