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

**BEFORE
HON'BLE SHRI JUSTICE PRAKASH CHANDRA GUPTA**

ON THE 31st OF JULY, 2023

MISC. CRIMINAL CASE No. 23978 of 2023

BETWEEN:-

**GANPATLAL S/O NARAYAN GUPTA, AGED ABOUT 57
YEARS, OCCUPATION: PROPRIETOR BALAJI TRACTOR
CHANDRASHEKHAR AZAD MARG, ALIRAJPUR
(MADHYA PRADESH)**

.....APPLICANT

(SHRI GHAN SHYAM YADAV, ADVOCATE FOR THE APPLICANT)

AND

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

.....NON-APPLICANT/STATE

***(SHRI VISHAL SANOTHIYA, GOVERNMENT ADVOCATE FOR THE STATE)
(SHRI ARIHANT KUMAR NAHAR, ADVOCATE FOR THE OBJECTOR)***

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*This application coming on for order this day, the Court passed the
following:*

ORDER

Heard with the aid of case diary.

This is first application filed under Section 438 Cr.P.C seeking anticipatory bail, as the applicant/accused is apprehending his arrest in connection with FIR/Crime No.178/2023 dated (not mentioned) registered at Police Station Alirajpur, District Alirajpur (M.P.) for the offence punishable under Sections 420, 467, 468 and 471 of IPC.

2. Prosecution story in brief is that Shiv Enterprises, Alirajpur is the authorized dealer and seller of escort tractor of Farmtech Company. On

29.05.2020, Shiv Enterprises has sold a tractor to Savkariya Bhaidiya through bill/invoice No.81 for consideration of Rs.5.80 Lakhs but the aforesaid tractor was not registered from RTO by the seller or purchaser. After using it for 6-8 months, Savkariya had exchanged his aforesaid tractor (hereinafter referred to as the "old tractor") with a new tractor (hereinafter referred to as the "new tractor") of Power Tech Company from the applicant Ganpatlal Gupta, who is the proprietor of Balaji Tractor at Alirajpur with an additional amount of Rs.1.30 Lakhs. Thereafter, the applicant sold the old tractor to Mukesh Baberiya on 07.03.2021 through bill/invoice No.169 of Balaji tractor for consideration of Rs.6.00 Lakhs and temporary registration number of the old tractor was issued. Thereby, the applicant has created forged document, Form No.21 sales certificate and Form No.22 for the purpose of registration of the old tractor. A written complaint was filed by Vikram Sen. After inquiry of the written complaint, an FIR was lodged on 21.04.2023 against the applicant at police station Alirajpur.

3. Learned counsel for the applicant submits that applicant is innocent and he has not committed the offence. The complainant has criminal antecedents. On 03.01.2009, S. P., Alirajpur had proposed D.M., Alirajpur to initiate a proceeding u/S 6 of M.P. State Security Act, 1990 against the complainant. The applicant has also filed a written complaint against the complainant on 14.04.2021 at police station Alirajpur. He had filed a complaint case against the complainant before the Judicial Magistrate First Class, Alirajpur. There was also dispute between the applicant and complainant in respect of partnership between them. Due to inimical relationship, the complainant has filed the written complaint against the applicant.

4. It is further submitted that Savkariya or the concerned RTO have not made any complaint in respect of sale and registration of the old tractor and creation of forged document. The applicant is a reputed person. Police is trying to arrest him and if the police arrests him, his reputation will be spoiled therefore, it is prayed that the applicant be granted anticipatory bail.

5. On the other hand, learned Government Advocate for the State as well as learned counsel for the objector have objected the prayer by submitting that the applicant has committed forgery in respect of year of manufacturing of the old tractor by showing forged making year in place of original making year, 2019. He also forged aforesaid forms and produced the same before the RTO, Alirajpur. On 05.04.2023, SHO, Alirajpur had sought information in respect of the old tractor and relevant documents from the applicant by issuing notice (Annexure-H) to him, which was received by the applicant on 18.04.2023 but he did not supply required information to the SHO till date therefore, he is not entitled for anticipatory bail.

6. Having considered the rival submissions and after perusal of case diary so also considering other facts and circumstances of the case, this Court is of the view that no case for grant of anticipatory bail is made out against the applicant.

7. The present application is accordingly **dismissed**.

(PRAKASH CHANDRA GUPTA)
JUDGE

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