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

**BEFORE
HON'BLE SHRI JUSTICE PREM NARAYAN SINGH**

ON THE 31st OF OCTOBER, 2023

MISC. CRIMINAL CASE No. 48712 of 2023

BETWEEN:-

**MOHIT @ AMAN RAGHUVANSHI
S/O SHRI SURENDRA SINGH RAGHUVANSHI,
AGED ABOUT 25 YEARS,
OCCUPATION: STUDENT
R/O FRIENDS COLONY CANT ROAD GUNA
AT PRESENT SAKET COLONY
INDORE (MADHYA PRADESH)**

.....APPLICANT

(SHRI GAJENDRA SINGH CHOUHAN - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH
STATION HOUSE OFFICER THROUGH
POLICE STATION CRIME BRANCH INDORE
(MADHYA PRADESH)**

.....RESPONDENTS

***(MS. VINITA DWIVEDI - PANEL LAWYER FOR RES/STATE)
(SHRI AVI JAIN - ADVOCATE FOR RES./OBJECTOR)***

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

ORDER

Heard and perused the record.

This is the first application filed by the applicant under Section 439 of Criminal Procedure Code, 1973, for grant of bail during trial. The applicant is facing trial in connection with Crime No.52/2023, dated (not mentioned), registered at Police Station-Crime Branch Indore, District-Indore, for offence

punishable under Sections 420, 467, 468, 471 of the IPC, 160. The applicant is in jail since 13.09.2023.

2. As per prosecution story, the allegation against the applicant he along with co-accused have wrongfully received Rs.1,27,988/- in various bank account by cheating the complainant and failed to repay the same.

3. Learned counsel for the applicant submits that the applicant is innocent and had been falsely implicated in the present crime. Co-accused Divyansh has already been enlarged on bail by this Court vide order dated 20.10.2023 passed in M.Cr.C. No.45981/2023 and co-accused Aachal has also been released on bail by Sessions Court. The case of the applicant is similar to that of co-accused persons. It is further submitted that the dispute has been settled between the parties amicably. The applicant has already paid Rs.1,70,000/- to the complainant. The applicant is in custody since 13.09.2023. The conclusion of trial will take sufficient long time. Under these circumstances, prayer was made for grant of bail to the applicants.

4. Learned counsel for the complainant has also submitted that the matter has already been settled between the applicant and complainant, hence, the complainant has no objection to grant of bail to the applicants.

5. Learned counsel for the respondent/State has opposed prayer, however it is fairly admitted that parties have entered into compromise and as per compromise the applicant has paid the whole amount to the complainant.

5. I have heard the learned counsel for the parties and perused the record.

6. Looking to the facts and circumstances of the case and the arguments advanced by the learned counsel for the parties and as dispute has been settled between the parties, without commenting on the merits of the case, this

application is allowed.

7. It is directed that the applicants be released on bail on their furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** **each** with one solvent surety in the like amount to the satisfaction of the trial court for securing their presence before the said Court on all the dates of hearing fixed in this regard during trial. It is also directed that the applicants shall comply with the provisions of Section 437(3) Cr.P.C.

8. This order shall remain effective till the end of the trial, but in case of bail jump and breach of any of the pre-condition of bail, it shall become ineffective and cancelled without reference to this Bench.

Certified Copy as per rules.

sumathi

(PREM NARAYAN SINGH)
JUDGE

