

THE HIGH COURT OF MADHYA PRADESH
MCRC-44763-2020
(Gurvinder Singh Vs. State of Madhya Pradesh)

Gwalior Dt. 20.11.2020

Shri Atul Gupta, learned counsel for the petitioner.

Shri Rohan Sharma, learned Panel Lawyer, for respondent/State.

Learned counsel for the rival parties are heard through video conferencing.

Case diary is perused.

This is first application u/S.438 Cr.P.C. for grant of anticipatory bail by the petitioner.

Petitioner apprehends arrest in connection with offence punishable u/Ss.420, 467, 468, 471, 120(B) and 409 IPC registered as Crime No.12/2020 by Police Station EOW, Bhopal Unit Gwalior (M.P.).

Learned counsel for the State opposed the application and prayed for its rejection by contending that on the basis of the allegations and the material available on record, no case for grant of anticipatory bail is made out.

Petitioner is alleged with cheating and forgery in respect of allegation arising out of transaction of sale which took place sometime in 2016-18 where it is alleged that petitioner purchased the land showing it to be non-irrigated whereas the same is irrigated and thereby causing loss to the State of stamp duty to the tune of Rs.14,77,011/-. Co-accused Smt. Manjeet Kaur has been extended benefit of anticipatory bail by order dated 28.09.2020 passed in MCRC 35178/20.

Considering the above and that the material placed on record does not

disclose the possibility of petitioner fleeing from justice, this Court is inclined to extend the benefit of anticipatory bail to the petitioner.

Accordingly, without expressing any opinion on merits of the case, I deem fit appropriate to allow this application u/S. 438 of Cr.P.C. in the following terms.

It is hereby directed that in the event of arrest, the petitioner shall be released on bail on furnishing a personal bond in the sum of **Rs. 50,000/- (Rs. Fifty Thousand only) with one solvent surety of the like amount** to the satisfaction of the Arresting Authority.

This order will remain operative subject to compliance of the following conditions :-

1. The petitioner will comply with all the terms and conditions of the bond executed by him;

2. The petitioner will cooperate in the investigation/trial, as the case may be;

3. The petitioner 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 petitioner shall not commit an offence similar to the offence of which he is accused;

5. The petitioner will not seek unnecessary adjournments during the trial;

6. The petitioner will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

7. The petitioner as a Shiksha Swayamsevak shall render physical and financial assistance to government primary school situated nearest to residence of petitioner for ensuring hygiene and sanitation and for removing deficiencies of infrastructural amenities in the said school from the skill/resources of the petitioner. याचिकाकर्ता एक शिक्षा स्वयंसेवक के रूप में अपने निवास के निकट अवस्थित सरकारी प्राथमिक विद्यालय में स्वच्छता और आरोग्य को सुनिश्चित करने के लिए शारीरिक एवं वित्तीय सहायता प्रदान करेगा तथा अपने कौशल व संसाधनों से उक्त विद्यालय में अवसंरचनात्मक सुविधाओं की कमियों को दूर करेगा।

The petitioner after selecting a particular Govt. Primary School shall inform about the same to the office of Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area), within whose territorial jurisdiction the said school is situated. [याचिकाकर्ता एक विशिष्ट प्राथमिक सरकारी स्कूल का चयन करने के पश्चात् इसके बारे में ग्राम पंचायत के कार्यालय (ग्रामीण क्षेत्र के मामले में) और/या सम्बंधित वार्ड के वार्ड अधिकारी (शहरी क्षेत्र के मामले में) जिसके क्षेत्राधिकार में उक्त स्कूल अवस्थित है, को सूचित करेगा।]

It will be joint responsibility of Sarpanch and Secretary of said Gram Panchayat (in case of rural area) and/or Ward Officer of the concerned ward (in case of urban area) to preserve the said information provided by the petitioner and pass it on the concerned PLV. [यह सम्बंधित वार्ड के वार्ड अधिकारी (शहरी क्षेत्र के मामले में) और/या उक्त ग्राम पंचायत के सरपंच और सचिव (ग्रामीण क्षेत्र के मामले में) की संयुक्त जिम्मेदारी होगी कि, याचिकाकर्ता द्वारा प्रदत्त सूचना को संरक्षित करे।]

The Registry of this Court shall communicate this order through Legal Aid Officer, SALSA, Gwalior to the Collector, District Education Officer, Block Education Officer of the district/block concerned for information and

compliance.

A copy of this order be supplied to the Legal Aid Officer, SALSA, Gwalior who is directed to communicate this order to the Paralegal Volunteers of the area concerned to verify as to whether petitioner has complied with condition No.7 or not and submit report once every month.

In case, report regarding condition No.7 is not filed or report is found to be wanting in any manner then Registry is directed to list this matter as PUD before appropriate Bench.

Petitioner has gracefully volunteered to donate Rs.2000/- (Rupees Two Thousand Only) in the account of the High Court Bar Association, Gwalior for the purpose of assistance and rehabilitation of those members of the Bar, who are facing financial distress due to Lockdown and restrictive functioning of the courts owing to ongoing Covid19 pandemic. This Court has no manner of doubt that the office bearers and the Senior members of the Bar shall ensure that the donation reaches the rightful and deserving claimants. Let the donation be deposited within seven (7) working days from the date of furnishing bail.

A copy of this order be sent to the Court concerned for information.

The Registry is further directed to forward copy of this order to the S.P. EOW Gwalior to avoid recurrence of such lapse.

C.c as per rules.

(Sheel Nagu)
Judge