

**THE HIGH COURT OF MADHYA PRADESH**

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**M.Cr.C. No.7818 /2020  
( Radha Raman Sharma Vs The State of M.P.)**

**Gwalior, Dated : 18/05/2020**

Shri Prashant Sharma, learned counsel for the applicant.

Shri Vijay Sundram, learned Panel Lawyer for the respondent-State.

Shri Mubarak Khan, learned counsel for the complainant

In pursuance of the directions issued by the Apex Court and guidelines issued by the High Court of Madhya Pradesh in the wake of COVID-19 outbreak, the matter was taken up through video conferencing while adhering to the norms of social distancing prescribed by the Government.

Case Diary is perused.

Learned counsel for the rival parties are heard.

This is first application under section 438 of the Code of Criminal Procedure.

Applicant apprehends arrest in connection with Crime No. 70/2020 registered at Police Station Gwalior District Gwalior (M.P.) for the offence punishable under section 420 of the IPC.

Allegations against the applicant in short is that he is posted at ITBP 13 Battalian Gangtok as Constable. Applicant had visited

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in his home town, he met the complainant Ajeet Singh Kushwah and induced the complainant and assured him of getting job for his relatives i.e. Premnarayan and Shivam in ITBP for which he demanded Rs. Twelve Lakh. The said amount was deposited on various occasions by the complainant in the account of applicant but appointment could not be secured. Complainant asked the applicant who gave false assurance and also did not return the money and cheated him. On the aforesaid basis, crime has been registered.

Learned counsel for the applicant submits that applicant is a government servant working in the ITBP at Gangtok Sikkim and serving his nation with full devotion. If the applicant is arrested then it would have adverse affect on his career and he may also loose his job. Infact the money taken was in respect of land sold to the complainant. Since it could not be materialized, therefore, he had lodged a false complaint. Counsel for the applicant has also filed an affidavit of the complainant to the effect that compromise has been entered between the parties and complainant has received the amount of Rs. 12,75,000/- as per the

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settlement. Applicant has already moved a petition under Section 482 of the Cr.P.C for quashing the proceedings which is pending. Attention has also been invited to the guidelines issued to all the States and Union Territories by the Apex Court for de-congesting the prisons in suo motu W.P. (C) No. 1/2020 (IN RE : CONTAGION OF COVID 19 VIRUS IN PRISONS) to consider release of prisoners who have been convicted or are under trial for offences for which prescribed punishment is up to 7 years or less by constituting a High Powered Committee Applicant is permanent resident of Morena (M.P.) and there are no chances of his absconding or tampering with the prosecution evidence. He shall abide by the terms and conditions as may be imposed by this Court. Under these circumstances, applicant prays for anticipatory bail.

Learned Panel Lawyer 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.

Accordingly, without expressing any opinion on merits of the case, I deem it appropriate to extend the benefit of

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anticipatory bail to the applicant. It is hereby directed that in the event of arrest of applicant, he shall be released on bail on his furnishing a personal bond of **Rs. 50,000/- (Rupees Fifty Thousand only)** to the satisfaction of Arresting Authority for his appearance on the dates given. The applicant shall also furnish a written undertaking that he will abide by the terms and conditions of various circulars, as well as, orders issued by the Central Government, State Government and local administration from time to time such as maintaining social distancing, physical distancing, hygiene etc. to avoid proliferation of Corona virus.

This order will remain operative subject to compliance of the 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 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 will not seek unnecessary adjournments during the trial; and
5. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be.

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**6. If the applicant commits any offence while on bail, this order shall automatically stand cancelled without reference to the Court.**

**7. The applicant shall install Arogya Setu APP (if not already installed) in her mobile phone;**

Learned Panel Lawyer is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible by the office of this Court. Certified copy/e-copy as per rules/directions.

**(S.A.Dharmadhikari)  
JUDGE**