

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE
HON'BLE SHRI JUSTICE GURPAL SINGH AHLUWALIA
ON THE 5th OF AUGUST, 2022**

MISC. CRIMINAL CASE No. 37763 of 2022

Between:-

**PRAVEEN SHARMA S/O BHAGWATI
PRASAD SHARMA, AGED 33
YEARS, OCCUPATION - KHETI,
RESIDENT OF - GRAM
JAGANNATH CHOUDHARY KA
PURA THANA GOHAD DISTRICT
BHIND (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI RAJIV SHARMA – ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION
KOTWALI DISTRICT BHIND
(MADHYA PRADESH)**

.....RESPONDENT

***(SHRI P.P.S. VAJEETA - PUBLIC PROSECUTOR FOR STATE)
(SHRI A.S. CHAUHAN - ADVOCATE FOR COMPLAINANT)***

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

ORDER

Case diary is available.

This first application under Section 438 of Cr.P.C. has been filed for grant of anticipatory bail.

The applicant apprehends his arrest in connection with Crime No.58/2022 registered at Police Station Kotwali, District Bhind for offence under Sections 384, 388, 347, 323, 294, 120-B, 394, 395 of IPC and Section 11/13 of MPDVPK Act.

It is submitted by counsel for applicant that earlier the applicant was granted bail but thereafter the Magistrate was of the view that offence under Sections 394, 395 are also made out, therefore, a direction has been issued to file charge-sheet for the aforesaid offences also. It is submitted that earlier the applicant was granted bail after considering all the material which were available on record. No new evidence has been collected.

It is further submitted that according to the prosecution case, the complainant lodged a report that he received a call on his mobile of the co-accused Babita Gurjar who informed that she is also in the business of dairy and since the complainant is also in the business of dairy, therefore, he may sell the ghee of her shop. After repeated calls made by Babita Gurjar, he went to the house of Babita Gurjar on 09.02.2022, where two persons came and started assaulting the complainant. They were calling each other as Brijlal and Deepak. They demanded money, and accordingly, he gave his 3 ATM cards to Deepak and amount of Rs.36,000/- were withdrawn from his ATM, and thereafter, they insisted that complainant should pay some more money, and accordingly, he took them to petrol pump and gave Rs.30,000/- to co-accused Babita after swapping the credit card. Although the mobile and motor cycle were

returned but the credit card and ATM cards were not returned. It is submitted that so far as the applicant is concerned, there is no allegation that he was ever involved in the commission of the aforesaid offence. The only allegation is that much prior to the incident, he was seen talking with co-accused Babita Gurjar and hatched conspiracy.

Per contra, application is vehemently opposed by counsel for State as well complainant.

The **SLP (Crl.) No.5589/2022** filed by co-accused Sourabh Chaturvedi has already been rejected by the Supreme Court by order dated **17.06.2022**. The applicant is said to be a perpetrator of the offence. In the light of the dismissal of SLP filed by the co-accused Sourabh Chaturvedi, this Court is of the considered opinion that no case is made out for grant of anticipatory bail.

The application fails and is hereby **dismissed**.

(G.S. AHLUWALIA)
JUDGE