

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

**BEFORE**

**HON'BLE SHRI JUSTICE ANAND PATHAK**

**ON THE 22<sup>nd</sup> OF SEPTEMBER, 2022**

**MISC. CRIMINAL CASE NO. 45569 OF 2022**

**Between:-**

**VIJAY KUMAR SAINI S/O SHRI RAJESH  
KUMAR SAINI, AGED 28 YEARS,  
OCCUPATION: CONTRACTOR, R/O  
ANAND NAGAR BAJARIA THATIPUR  
GWALIOR (MADHYA PRADESH)**

**.....APPLICANT**

***(BY SHRI MEHMOOD KHAN – ADVOCATE)***

**AND**

**THE STATE OF MADHYA PRADESH  
THROUGH POLICE STATION THATIPUR  
DISTRICT GWALIOR (MADHYA  
PRADESH)**

**.....RESPONDENT**

***(BY SHRI ROHIT MISHRA – ADDITIONAL ADVOCATE GENERAL  
FOR RESOPONDENT/STATE)***

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

**ORDER**

This is the **first** application under Section 438 of Cr.P.C filed by

the applicant, who is apprehending his arrest in connection with Crime No.644/2022 registered at Police Station Thatipur, District Gwalior (Madhya Pradesh) for the offence punishable under Sections 458, 323, 294, 506, 34 IPC.

Applicant, who is man aged 28 years, is apprehending his arrest on the basis of registration of offence as referred above. It is the submission of learned counsel for applicant that he lended Rs.8 Lacs to his acquaintance Pankaj Amb in March, 2022 which he had to repay till December, 2022 only. Since deadline is approaching, therefore, new device has been adopted by complainant to shirk away his liability. On false allegation, case has been registered. No injury has been sustained by victim and case is of false implication. The applicant bears no criminal record. Confinement may bring social disrepute and personal convenience. Applicant undertakes to cooperate with investigation/trial. Under these grounds, his case may be considered for bail

Learned counsel for the respondent/State opposed the prayer and prayed for dismissal of the application.

Heard the learned counsel for the parties and perused the documents appended thereto.

Considering the submissions advanced by the counsel for parties, this Court intends to allow this anticipatory application. The application is allowed. It is hereby directed that in the event of arrest, the applicant 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 Arresting Authority/ Investigating Officer.

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 himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to the Police Officer, as the case may be.

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

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

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

Application stands **allowed and disposed of**.

Copy of this order be sent to the trial Court concerned for compliance.

Certified copy as per rules.

**(ANAND PATHAK)**  
**JUDGE**