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

**BEFORE
HON'BLE SMT. JUSTICE SUNITA YADAV
ON THE 2nd OF DECEMBER, 2022
MISC. CRIMINAL CASE No. 49047 of 2022**

BETWEEN:-

**SUNIL AHIRWAR S/O SHRI HARNARAYAN AHIRWAR,
AGED ABOUT 30 YEARS, OCCUPATION: LABOR
VILLAGE KHIRIYAGONDHU TEHSIL AND DISTRICT
DATIA M.P. (MADHYA PRADESH)**

.....APPLICANT

(BY MR. PRATIP VISORIYA - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH INCHARGE POLICE
STATION POLICE STATION KOTWALI DISTRICT DATIA
(MADHYA PRADESH)**

.....RESPONDENT

(BY MR. NITIN GOYAL - PANEL LAWYER)

This application coming on for Admission this day, the court passed the following:

ORDER

The applicant has filed this first application u/S 439, Cr.P.C. for grant of bail.

The applicant has been arrested by Police Station Kotwali, District Datia (M.P.) in connection with Crime No. 454 of 2022 registered for the offence punishable under Sections 420, 467, 468 and 471 of I.P.C.

Allegation against the present applicant is that he forged a sale deed and sold the land of complainant Mahesh Pal.

Learned counsel for the applicant argued that the applicant is innocent

and has been falsely implicated. The sale deed was executed before the competent authority and it cannot be said to be forged until and unless it is declared by the Civil Court. *Prima facie* there is no evidence to connect the present applicant with the crime. In support of his submissions, learned counsel for the applicant relied upon the case law of **Ajay Pandey vs. State of Madhya Pradesh and others, [2007 (1) MPHT 531]**. Further argument is that the applicant is in custody since 01.9.2022. After investigation, charge-sheet has already been filed, therefore, there is no requirement of further custodial interrogation of the applicant. Applicant is the permanent resident of District Datia (M.P.) and there is no possibility of his absconding or tampering with the prosecution evidence. Hence, he prays for grant of bail to the applicant.

On the other hand, learned State counsel opposed the application and prayed for its rejection.

Heard learned counsel for the rival parties and perused the case diary available on record.

Considering the facts and circumstances of the case, but without expressing any opinion on merits of the case, this application is allowed and it is directed that the applicant be released on bail on furnishing a personal bond in the sum of **Rs. 1,00,000/- (Rupees One Lakh only)** with two solvent sureties in the like amount to the satisfaction of the trial Court/committal Court.

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/her;
- 2) The applicant will cooperate in the investigation/trial, as the case may be;

3) The applicant will not indulge himself/herself 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 shall not commit any offence during pendency of the trial, failing which, this bail order shall stand cancelled automatically without further reference to the Bench;

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

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

Learned State counsel 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 as per rules.

(SUNITA YADAV)
JUDGE

AKS