

**THE HIGH COURT OF MADHYA PRADESH**  
**BENCH AT INDORE**  
**(S.B.: HON'BLE Mr. JUSTICE VIVEK RUSIA)**

**M.Cr.C. No.45495/2021**

*Applicant:- Chaitan S/o Makhanlal Rathore,  
Age- 33 years, Occupation-Agriculturist,  
R/o Nilkhand Colony, Kanja Road,  
District-Shajapur (M.P.)*

*Versus*

*Respondent:- State of M.P. through P.S. Lalghati,  
District- Shajapur (M.P.)*

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<i>For Applicant (s)</i>	:	<i>Mr. Anirudh Saxena,</i>
<i>For Respondent (s)</i>	:	<i>Mr. Mukesh Sharma, P.L.</i>

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**ORDER**

**Date: 16.09.2021:**

This is first application filed under Section 438 of Cr.P.C. by the applicant who is apprehending his arrest in connection with Crime No.18/2019 registered at Police Station- Lalghati, District- Shajapur for the offence punishable under sections 420, 467 and 468 of the IPC.

As per the prosecution story, complainant - Lakhanlal has lodged the FIR that he is having family terms with Jagdish who works in the Bharat Gas Agency. He wanted a loan of Rs.7.00 Lakhs. Jagdish offered his help and took his house papers, voter ID and 25 blank cheques. He got the loan of Rs.7,00,000/- sanctioned and received the cheque of the said amount from Aspire Home Finance. He deposited the said cheque in his account in State Bank of India Branch Magriya, Shajapur. When he presented for the cheque for withdrawal after 5-6 days, he came to know that Jagdish along with others has already withdrawn Rs.5,50,000/- fraudulently by using the blank cheques.

Accordingly, the police has registered the FIR against the present applicants and other accused persons. During investigation, the police has found that amount of Rs.50,000/- has come into the account of the accused – Jagdish.

Learned counsel for the applicant submit that the applicant has been

falsely implicated in the case. The applicant has filed the affidavit of the complainant along with the bail application and according to which a compromise has been arrived between them and he has received the amount. Learned counsel for the applicant submits that the other accused have been granted bail by the trial Court itself. The main allegations are against Jagdish. The applicant had business transaction with the complainant and the amount was paid to him under the said business transaction. Therefore, prayed for protection of applicant from his arrest.

Learned Panel Advocate appearing for the respondent/State opposes the prayer and prayed for dismissal of the bail application.

In view of the aforesaid facts and circumstances of the case, I am of the opinion that the applicant is entitled to be released on anticipatory bail.

Accordingly, this M.Cr.Cs. is allowed and it is directed that in the event of arrest, the **applicant-Chaitan** S/o Makhanlal Rathore, shall be released on bail upon his furnishing personal bonds in the sum of **Rs.30,000/- (Rupees Thirty Thousand only)** with separate surety in the like amount to the satisfaction of the arresting officer. This order shall be governed by the conditions No.1 to 3 of sub section (2) of section 438 Cr.P.C. The applicant shall also co-operate with the investigation.

With the aforesaid, this M.Cr.C. stands disposed of.

C.c as per rules.

( VIVEK RUSIA )  
JUDGE

Ajit