

High Court of Madhya Pradesh, Jabalpur
Bench at Indore

Miscellaneous Criminal Case No.51330/2021

(Gaurav s/o Sunil Adhikar
Versus
The State of Madhya Pradesh)

Indore, Dated 12.10.2021

Hearing through **Video Conferencing**.

Mr. Nilesh Manore, learned counsel for the applicant.

Ms. Archana Kher, learned Deputy Advocate General for the
respondent / State of Madhya Pradesh.

They are heard. Perused the record.

This is repeat (**second**) application under Section 439 of Criminal Procedure Code, 1973. The applicant is implicated in connection with Crime No.315/2021 registered at Police Station Lasudia, Indore District Indore (MP) for offence punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860.

The applicant is in custody since 06.03.2021.

The allegation against the applicant is that he obtained various amounts from various persons on the pretext of sanctioning bank loans to them for various purposes.

Learned counsel for the applicant has submitted that this is the applicant's second application for grant of temporary bail on the ground of death of his father (Sunil Damodar Adhikar) who passed away on 07.10.2021. His earlier bail application MCRC No.25298/2021 has already been dismissed by this Court vide order dated 30.07.2021 (Annexure A/1) on merits. However, the present

application has been filed by the applicant on account of attending the last rites of his father who passed away on 07.10.2021.

Counsel has further submitted that the applicant was allowed to attend the funeral by the learned Judge of the trial Court itself, however, the presence of the applicant in the last rites of his father which are to be performed from 16.10.2021 to 18.10.2021 is required.

Thus, it is submitted that the applicant be released on temporary bail for a period of twenty days.

Learned counsel for the respondent / State, on the other hand, has opposed the prayer.

Having considered the rival submissions and on perusal of the record, it is apparent that father of the applicant has died on 07.10.2021. In such circumstances, looking to the allegations leveled against him which are in respect of documentary evidence and of defalcation, this Court finds it expedient to allow the present application **for a period of ten days from the date of his release.**

Thus, without adverting to the merits of the case, Miscellaneous Criminal Case No.51330/2021 is **allowed**. The applicant is directed to be released on temporary bail **for a period of ten days from the date of his release only** upon his furnishing a bond in the sum of **Rs.25,000/- (rupees twenty five only)** with one surety in the like amount to the satisfaction of the trial Court. This temporary bail order shall be subject to the condition that the

applicant shall submit an undertaking that he shall surrender himself on or before the expiry of **ten days from the date of his release**, failing which he shall be arrested by the police and put to face the trial, in accordance with the law. It is made clear that the applicant shall surrender before the trial Court on or before the expiry of the **ten days from the date of his release**.

It is also observed that after his release on temporary bail, if the applicant is found in any criminal activities, the present bail order shall stand automatically cancelled without further reference to this Court; and the State / prosecution will be free to arrest the accused in the present case also.

It is also directed that the applicant will abide by all the conditions enumerated under Section 437(3) of the Cr.P.C.

Certified copy as per rules.

(Subodh Abhyankar)
Judge