

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE

[S. B. : HON'BLE MR. JUSTICE VIVEK RUSIA]

M. Cr. C. No.55373/2021

Preamsagar S/o Shri Tirtharaj Sagar,
Aged – 56 years, Occupation – Nil,
R/o – 384, Shivcity, Indore (M.P.)

- Applicant

V e r s u s

State of Madhya Pradesh,
Through Station House Officer,
Special Police Establishment, Lokayukta,
Indore (M.P.)

- Respondent

Shri Vinay Saraf, learned Senior Counsel with Shri Harshwardhan Sharma, learned counsel for the applicant.

Shri Harshit Sharma, advocate on behalf of Shri Raghvendra Singh Raghuvanshi, learned counsel for the respondent.

Indore, dated 03/12/2021

This is first bail application filed under section 438 Cr.P.C. seeking anticipatory bail as the applicant apprehends his arrest in connection with Crime No.30/2014 registered by Special Police Establishment, Lokayukta, Indore (M.P.) for the offence under sections 420, 406, 467, 468, 471 & 109 of the Indian Penal Code, 1860.

As per prosecution case, office of Special Police Establishment (Lokayukta) received a complaint against the applicant and others in respect of illegality in disbursement of scholarship to the students belonging to the SC/ST community. As per the allegation against the applicant the scholarship was released in the name of Durgesh Verma without giving admission to him in the applicant's Institute. The police has recorded the statement of Durgesh Verma under section 161

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Cr.P.C and according to him he has applied for admission in 2 colleges i.e. Liberal College, Indore and Shri Saibaba College, Indore but did not take admission and scholarships were released in his name in both the Institutes. The Lokayukt Police has registered an FIR vide crime No.13/2014 under sections 420, 406, 467, 468, 471 & 109 of the IPC. After completing the investigation a notice was sent to the applicant for appearance before the Court of CJM at the time of filing of charge sheet. In apprehension of his arrest, the applicant has applied for anticipatory bail which has been rejected by the ASJ, hence the present application before this Court.

Learned Senior Counsel appearing for the applicant submits that the applicant has been falsely implicated in this case. The investigation remained pending for 7 years and there is no allegation that he did not cooperate with the investigation. He was never arrested by the Lokayukta Police, therefore, now the arrest of the applicant is not required in the matter. Since the investigation is complete, the applicant is entitled for bail.

Learned counsel appearing for the Lokayukta submits that initially the FIR was registered against Govt. Officials under the provisions of the P.C. Act but now the Govt. has taken a decision not to proceed with the investigation against them, therefore, the investigation has been completed against the applicant under the provisions of the IPC and the charge sheet is ready for filing. Since the applicant did not appear before the Court and the Court was on leave,

therefore, charge sheet could not be filed.

Heard learned counsel for the parties and perused the case diary.

Considering the facts and circumstances of the case and the arguments advanced by the learned counsel for the parties, without commenting on the merit of the case, the application is allowed with conditions. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime number, he shall be released on bail subject to his depositing the amount in question with the trial Court without affecting his right to defence and upon his furnishing personal bond in the sum of **Rs.40,000/- (Rupees Forty Thousand Only)** with one surety in the like amount to the satisfaction of the arresting officer.

This order shall be governed by the following conditions:

- (a) the applicant shall co-operate with the investigation and make himself available for interrogation by a police officer as and when required;
- (b) he shall not directly or indirectly make any 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 any police officer;
- (c) If the applicant is found involved in any criminal case of the same nature during this bail period, this order granting the benefit of anticipatory bail shall be liable to be cancelled; and
- (d) he shall not leave the territory of India without the prior permission of the Court.

Certified copy as per rules.

(VIVEK RUSIA)
J U D G E