

**The High Court of Madhya Pradesh : Bench At Indore**

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 26<sup>th</sup> OF MAY, 2022

MISC. CRIMINAL CASE No. 21878 of 2022

Between:-

BHUPENDRA SINGH S/O DESHPATH RAJPUT, AGED ABOUT 35 YEARS, OCCUPATION: SERVICE Q-5, L.I.G. COLONY, MALHARGANJ, INDORE. (MADHYA PRADESH)

.....PETITIONER

(BY SHRI SARANSH JAIN, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION MALHARGANJ (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI MUKESH KUMAWAT, GOVERNMENT ADVOCATE)

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

**ORDER**

This is the first application filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in connection with Crime No.537/2021, registered at Police Station – Malharganj, District – Indore for the offences punishable

under Sections 420, 467, 468, 471 & 120 of the Indian Penal Code. The applicant is in custody since 10.01.2022.

As per prosecution, complainant – Rajesh Sankhla lodged a report at Police Station – Malharganj alleging that his mother Heerabai is alive who is the owner and in possession of house No.175 (old No.98/53), Janta Colony which she purchased by a sale deed dated 27.12.1997. His brother Manohar Sankhla has prepared a forged death certificate and got the aforesaid house mutated in his name. Thereafter, he executed a gift deed in favour of his son Karan Sankhla who mortgaged the said property with Home First Finance Company Limited in order to obtain a loan of Rs.13,80,000/-. After registration of the F.I.R., the police has started the investigation and found that his mother is still alive and the documents are forged. The allegation against the present applicant is that he facilitated the co-accused in order to obtain a loan from the said Finance Company.

Learned counsel for the applicant submits that other co-accused persons namely Bharti Sankhla and Karan Sankhla have produced all the documents to the said Finance Company and obtain a loan. He has read out the statement of Manager of the Finance Company namely Tanmay Maheshwari and one employee Shyam Gupta recorded by the police under Section 161 of the Cr.P.C., in which they have not named the present applicant. Even otherwise, no amount has been transferred in his account. The loan was taken by the Karan Sankhla and Bharti Sankhla. Hence, he

may be enlarged on bail.

Learned Government Advocate for the respondent / State opposes the application.

Considering the facts and circumstances of the case and the role played by the present applicant, I deem it proper to enlarge the application on bail. Accordingly, the application is allowed. Applicant – Bhupendra Singh S/o Deshpath Rajput is directed to be released on bail upon his furnishing personal bond in the sum of **Rs.40,000/- (Rupees Forty Thousand Only)** with a solvent surety in the like amount to the satisfaction of the Trial Court for his appearance before that Court during the pendency of trial and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

In case of bail jump, the present bail order shall become ineffective.

Certified copy, as per rules.

(VIVEK RUSIA)  
V. J U D G E

Ravi