

The High Court of Madhya Pradesh : Bench At Indore

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 26th OF MAY, 2022

MISC. CRIMINAL CASE No. 21993 of 2022

Between:-

SONU @ SOHANLAL S/O RAMKISHAN, AGED ABOUT 26 YEARS, OCCUPATION: LABOR R/O GRAM ALOD, BALAPURA THANA DABLANA, DISTRICT BUNDI (RAJASTHAN)

.....PETITIONER

(BY SHRI AMIT KUMAR AGNIHOTRI, ADVOCATE)

AND

THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER THROUGH POLICE STATION TAL (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.114/2022 registered at Police Station – Taal, District – Ratlam for the offences punishable under Section 420 of the Indian Penal Code. The applicant is in custody since 30.03.2022.

The aforesaid crime was registered at the instance of Mukesh Arora resident of Nasik (Maharashtra) that his the owner of a truck bearing registration No.RJ 08 GA 5323 which he handed over to the present applicant for transportation of oranges to Ambala (Haryana). After the delivery, the applicant was returning with empty caret of the oranges. This applicant gave a telephone call to him that he reached to Neemuch and there is some technical problem in the truck. He has unloaded the empty caret in another truck bearing registration No.UP 80 FT 3259 belonging to Aman. Thereafter, the oranges were loaded in the truck and directed to be delivered to Ambala (Haryana). He has paid Rs.12,000/- for diesel, thereafter, Rs.5,000/- was transferred to fastrack ID. Thereafter, this applicant has also gone in the said truck and switched of his mobile. As the oranges have not been delivered, cheating has been committed by the applicant along with other co-accused. The police registered an F.I.R. against this applicant under Section 420 of the IPC.

Learned counsel for the applicant submits that the present applicant has falsely been implicated in this crime. He has not committed any cheating with the complainant. He is in custody since 30.03.2022. Hence, he may be enlarged on bail.

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

I have gone through the complaint lodged by the complainant and his statement as well. In the case-diary, there is no document in respect of loading of the oranges in the truck of the co-accused for transportation to Ambala (Haryana). No such material is available to establish that cheating has been committed by the present applicant in respect of the oranges loaded second time in the truck bearing registration No. UP 80 FT 3259. This Court has serious doubt about the conduct of the S.H.O. in respect of investigation. Proper document has not been collected from the complainant. The entire genesis of registration of F.I.R. is missing in this case.

Considering the facts and circumstances of the case and the role attributed to the present applicant, I deem it proper to enlarge the application on bail. Accordingly, the application is allowed. Applicant – Sonu @ Sohanlal S/o Ramkishan 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.

This order shall be effective till the end of the trial, in case of bail jump, the present bail order shall become ineffective.

Office is directed to send a copy of this Court to the Superintendent of Police, Ratlam for examining the conduct of the Investigating Officer.

Certified copy, as per rules.

(VIVEK RUSIA)
V. JUDGE

Ravi

