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**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE**

**BEFORE  
HON'BLE SHRI JUSTICE ANIL VERMA**

**ON THE 25<sup>th</sup> OF MAY, 2023**

**MISC. CRIMINAL CASE No. 21596 of 2023**

**BETWEEN:-**

**N MALANGSHAH S/O NALAMDA MEHBOOB SHAH,  
AGED ABOUT 38 YEARS, OCCUPATION: GARDNER, R/O:  
ANANDAMPURA KADIYA PULNAKA, TEHSIL KADIYAM,  
DISTT. RAJAMUNDARI (ANDHRA PRADESH)**

**.....APPLICANT**

**(SHRI Z.A. KHAN - SENIOR ADVOCATE ALONGWITH SHRI RAMESH  
CHANDRA GANGARE - ADVOCATE)**

**AND**

**THE STATE OF MADHYA PRADESH STATION HOUSE  
OFFICER THROUGH POLICE STATION SENDHWA CITY,  
DISTRICT BARWANI (MADHYA PRADESH)**

**.....RESPONDENT**

**(SHRI D.G. MISHRA - GOVERNMENT ADVOCATE)**

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

**ORDER**

1. Applicant has filed this first bail application under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail relating to Crime No.500/2022 registered at P.S. Sendhwa City, District Barwani (M.P.) for commission of offence punishable under Sections 409, 420, 120-B and 34 of IPC. He is in jail since 07.04.2023.

2. As per the prosecution story, complainant Mujafar Ali lodged an FIR at P.S. Sendhwa by stating that he is running a shop namely Classic Boot at Maulana Azad Marg. On 27.11.2019, co-accused Mohd. Aarif alongwith

present applicant came to the shop of complainant and told him that he is the Agent of Royal Nursery Company and the Company is authorized by the Government and gave plants to father of the complainant. Thereafter, friendly relationship developed between present applicant and co-accused with complainant. Present applicant and co-accused lured the complainant for his appointment as a Member of Balaji Temple Trust. Accused persons received an amount of Rs.11,75,000/- in the bank accounts through RTGS on the fake promise of obtaining a loan of Rs.2,00,00,000/- with minimum rate of interest from the Trust. Accordingly, a case has been registered against the applicant.

3. Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this matter. Applicant is in jail since 07.04.2023. FIR is three years belated without any plausible explanation. The alleged amount, which was received by the accused persons is against the plants which were given by the accused persons to the complainant. There is no evidence available on record to connect the present applicant with the aforementioned offence. Applicant is a permanent resident of District Rajmundari (Andhra Pradesh). Final conclusion of trial will take considerable long time. Hence, he prays that applicant be released on bail.

4. Per-contra, learned counsel for respondent/State opposes the bail application and prays for its rejection.

5. Perused the case diary as well as the impugned order of the court below.

6. Considering all the facts and circumstances of the case, arguments advanced by counsel for the parties, nature and gravity of allegation as also taking note of the fact that applicant remained abscond for a period of more

than three years; other co-accused persons are still absconding; applicant is permanent resident of district Rajmundari (Andhra Pradesh), therefore, if he enlarged on bail he may again abscond.

7. In view of the evidence available on record, without commenting on the merits of the case, this Court is not inclined to grant bail to the present applicant.

8. Accordingly, the first bail application preferred under Section 439 of Cr.P.C. is rejected.

Certified copy as per rules.

Anushree



**(ANIL VERMA)**  
**V. JUDGE**