

IN THE HIGH COURT OF MADHYA PRADESH AT

INDORE

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 29th OF SEPTEMBER, 2023

MISC. CRIMINAL CASE No. 39323 of 2023

BETWEEN:-

**SUMANBAI W/O KAILASH BAGWAN, AGED ABOUT 52 YEARS,
OCCUPATION: HOUSEWIFE R/O 94 VILLAGE DOKAKUI TEHSIL
KANNOD DISTT. DEWAS (MADHYA PRADESH)**

.....APPLICANT

(BY SHRI MANU MAHESHWARI, ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION E.O.W. BHOPAL DEHAT (MADHYA
PRADESH)**

.....RESPONDENTS

(BY SHRI ANAND BHATT, PANEL LAWYER)

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

O R D E R

01. This is the first application filed by the applicant under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail. The applicant is apprehending her arrest in connection with Crime No.16/2023 registered at Police Station – E.O.W., Bhopal Dehat for the offences punishable under Sections

409, 420, 467, 468, 471, 120-B of the Indian Penal Code & Section 7 of the Prevention of Corruption Act.

02. The allegation against the present applicant is that she became she member of Co-operative Society and took agricultural loan. As per the contents of F.I.R., she is neither the owner nor the leaseholder of the land bearing Survey No.286/3 & 270 situated at Village – Dokakui & Pangra. The co-accused is her nephew who was working as salesman, therefore, both of them made a conspiracy and took loan of Rs.6,57,505/- and insurance.

03. Learned counsel for the applicant submits that there is no need that the member should be the owner of the land. If he / she is in possession of the land by way of lease, the he / she is entitled for loan. Learned counsel further submits that loan taken by the present applicant was time to time repaid also, but after registration of F.I.R, her account has been seized, therefore, the amount could not be returned. At present, Rs.1,99,000/- is lying in the account. On these premises, learned counsel for the applicant prays for grant of bail.

04. Learned Panel Lawyer for the respondent / State opposes the application and prays for its rejection.

05. Keeping in view the nature of accusation, allegation levelled against the present applicant and without expressing any opinion on the merits of the case, I deem it proper to grant anticipatory bail to the applicant. Accordingly, the bail application is allowed.

06. Subject to deposit of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) by the applicant before the trial Court, it is directed that

in the event of arrest of the applicant – Suman Bai. in connection with the aforesaid crime number shall be released on bail and also upon her furnishing personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent 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 herself available for interrogation by a police officer as and when required;
- (b) she 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 her 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;
- (d) she 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

Ravi