

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

HON'BLE SHRI JUSTICE VIVEK RUSIA

ON THE 6th OF DECEMBER, 2023

MISC. CRIMINAL CASE No. 51609 of 2023

BETWEEN:-

**PRASHANT S/O ASHOK SHARMA, AGED ABOUT 27 YEARS,
OCCUPATION: SERVICE R/O BHAGATPURI RATLAM (MADHYA
PRADESH)**

.....APPLICANT

***(SHRI CHANDRA PRAKASH PUROHIT, LEARNED COUNSEL FOR THE
PETITIONER.)***

AND

**THE STATE OF MADHYA PRADESH STATION HOUSE OFFICER
THROUGH POLICE STATION STATION ROAD RATLAM (MADHYA
PRADESH)**

.....RESPONDENTS

***(SHRI KUSHAL GOYAL, LEARNED DY. ADVOCATE GENERAL FOR THE
RESPONDENT/STATE.)***

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

ORDER

This is first application u/s. 439 of the Cr.P.C. filed by the applicant who is in custody since 29.10.2023 in connection with Crime No.48/2020, registered at Police Station, Station Road, Ratlam, for the offences punishable under Sections 420, 409 of the IPC.

As per prosecution story, complainant Bhanwarlal lodged a

report that he took a loan from Bajaj Finance Company. In order to close his loan account he went Bank with Rs.1,06,544/- and met the present applicant. The Manager called the Pawan Meena and directed him to deposit the amount in the account. According to the complainant, Pawan Meena told that the server is down, therefore, he cannot issue a computerized receipt and after receiving the amount, he issued a handwritten receipt. Despite payment of Rs.1,06,544/- till today the account has not been foreclosed. On the basis of the complaint FIR has been registered.

Learned counsel for the applicant submits that the present applicant has falsely been implicated in this case. The amount in question has been deposited by the co-accused and the co-accused has already been enlarged on anticipatory bail vide order dated 9.9.2020 passed by this Court in M.Cr.C. No.29083/2020. Under these circumstances, counsel prays for grant of bail to the applicant.

Learned Dy. Advocate General for the respondent/State opposes the bail application.

Considering the aforesaid facts and circumstances of the case, without commenting anything on the merits of the case, I am of the opinion that the applicant deserves to be released on bail.

Accordingly, this M.Cr.C. is allowed. The applicant **Prashant S/o. Ashok Sharma** is directed to be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty thousand)** with one solvent surety of the like amount to the satisfaction of the trial Court for his regular appearance before the trial Court during trial with a condition that he shall remain present before the court concerned

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during trial and shall also abide by the conditions enumerated under Section 437(3) Cr.P.C.

C.C. as per rules.

**(VIVEK RUSIA)
JUDGE**

Alok/-