

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

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 10th OF JULY, 2024

MISC. CRIMINAL CASE No. 24660 of 2024

PRAVIN GEHLOT

Versus

THE STATE OF MADHYA PRADESH

Appearance:

(SHRI VIRENDRA SHARMA, COUNSEL FOR THE APPLICANT)

(SHRI BALENDU DWIVEDI, COUNSEL FOR THE OBJECTOR)

(SHRI KAUSTUBH PATHAK, COUNSEL FOR THE STATE)

ORDER

1. They are heard. Perused the case diary / challan papers.
2. This is the first bail application filed by the applicant under Section 439 of Criminal Procedure Code, 1973, as he / she is implicated in connection with Crime No.262/2024 registered at Police Station Madhav Nagar, Ujjain (MP) for offence punishable under Section 420, 467, 468, 471 and 34 of Indian Penal Code, 1860. The applicant is in custody since 28/04/2024.
3. Allegation against the applicant is of forgery and preparation of false documents to ensure allotment of a plot by Ujjain Development Authority in the name of a freedom fighter.
4. Counsel for the applicant has submitted that the applicant has been falsely implicated in the case as there is no allegation that he had benefited from the said transaction in any manner. It is also submitted that the alleged transaction is said to have taken place way back in the year 2012 and subsequently, a departmental inquiry also commenced against the applicant, in which, he has already been given clean chit by the department vide order dated

24/08/2015, a copy of which is also placed on record wherein it is also observed that the plot allotted to Shri Sudama Prasad has already been cancelled and Ujjain Development Authority has also not suffered any financial loss.

5. Counsel for the applicant has also submitted that a private complaint was also filed by the complainant in this regard wherein on 17/09/2022, cognizance under Section 416, 420 of IPC was also taken by the trial Court and in a revision bearing No.131/2022 preferred against the aforesaid order of cognizance has been set aside by the Fifth Sessions Judge, Ujjain vide order dated 17/02/2023, whereas, the FIR has been lodged on 28/04/2024 regarding the same offence which was committed between 13/02/2012 to 15/04/2013. Counsel has submitted that during all the period, applicant has also cooperated in the investigation and the FIR has been lodged without taking into account the order passed by the revisional Court. Thus, it is submitted that since the applicant is lodged in jail since 28/04/2024 and the charge sheet has already been filed, the application be allowed.

6. Counsel for the respondent / State as also the objector, on the other hand have opposed the prayer and it is submitted that no case for grant of bail is made out as the applicant is hand-in-glove with the other accused persons for allotment of a plot by Ujjain Development Authority in the name of a freedom fighter Shri Sudama Prasad Agrawal who was the grand-father of co-accused Aashish Agrawal and Aashish Agrawal in his memo prepared under Section 27 of the Evidence Act has named the present applicant as the mastermind of the case and it was the present applicant only who had prepared all the forged document. Counsel have also submitted that the person who was to be posed as the son of Shri Sudama Prasad who had already died in the year 1985 as also

Shaukat Chanda has also stated that when he was shown the allotment of plot to the freedom fighter, he came to know that in the file, his father's photograph is affixed and he is shown as Sudama Prasad Agawal and he has also stated that he has known Aashish Agrawal on account of their family acquaintance and also that around 10 year ago, Aashish Agrawal and Praveen visited to his house. Thus, it is submitted that the applicant was mastermind and the other irregularities have also surfaced against him and in such circumstances, no case for grant of bail is made out.

7. Having considered the rival submissions and on perusal of the case diary as also the documents filed on record by the applicant including the order passed in the departmental inquiry, in which, the applicant has already been given clean chit in the year 2015 and the fact that the investigation is almost complete, this Court is of the considered opinion that since the final conclusion of the trial is likely to take sufficient long time and the incident is said to have taken place way back in the year 2012, further custody of the applicant is not necessary, and the applicant's application deserves to be allowed.

8. Accordingly, without commenting on the merits of the case, the application filed by the applicant is **allowed**. The applicant is directed to be released on bail upon 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/her regular appearance before the trial Court during trial with a condition that he / she shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under Section 437 (3) Criminal Procedure Code, 1973.

Certified copy as per rules.

krjoshi

