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MCRC-38830-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 9th OF OCTOBER, 2024MISC. CRIMINAL CASE No. 38830 of 2024*AAKASH GAUTAM AND OTHERS**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Bharat Yadav - Advocate for applicant (through V.C).

Shri Bhuwan Gautam - Government Advocate for the
respondent/State (through V.C).

Shri Mitesh Patidar - Advocate for respondent No.2 (through V.C).
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ORDER

The present application moved by the applicants under Section 482 of Bhartiya Nagrik Suraksha Shanhita/438 Cr.P.C for grant of anticipatory bail in connection with a private complaint registered upon the complaint filed by the respondent No.2/complainant.

2. Judicial Magistrate First Class, Mhow has taken cognizance upon criminal complaint under Sections 406, 409, 420, 467, 468, 471 r/w120(B) and 34 of IPC in RCT No.724/2024 and issued summons to the applicants for appearing before the Court.

3. Learned counsel for the applicants submits that applicants are ready to appear before the Court but as in the aforesaid sections the Magistrate is not empowered to enlarge the applicants on bail, they have moved the



present application for grant of anticipatory bail. It is further submitted by the learned counsel for the applicants that on merits they are having good case and they have been falsely implicated in the present case. They are innocent and have not committed any offence as alleged.

4. Per contra, learned Government Advocate appearing on behalf of the respondent/State supported the order passed by the Additional Sessions Judge, Mhow, whereby the anticipatory bail application moved by the applicants was dismissed on 29.08.2024.

5. Learned counsel appearing on behalf of the respondent No.2/complainant vehemently opposed the bail application on the ground that the applicants have moved the application for urgent hearing without any cogent reason and the application should be placed before the regular Court for consideration. He further submits that the applicants have committed an offence and they were actively involved in the commission of offence. He further submits that learned Magistrate has taken a cognizance against the applicants and the applicants should appear before the Magistrate. He submits that no case for grant of anticipatory bail is made out.

6. The present matter is placed before this Court after considering the urgency averred by the applicants, therefore, the hearing cannot be adjourned.

7. Considering the nature of the case, the fact that the Judicial Magistrate First Class, Mhow has taken cognizance against the applicants upon a private complaint filed by the complainant and issued the summons for securing their appearance, and without commenting on the merits of the



case, I deem it proper to dispose of the present application with a direction to the applicants to appear before the Judicial Magistrate First Class, Mhow on the next date of hearing and furnish the personal bond of **Rs.50,000/- (Rs. Fifty Thousand Only)** with a surety of like amount to the satisfaction of the Magistrate and upon furnishing the same, the applicants shall be released by the Magistrate. The applicants will cooperate during trial and will appear before the trial Court on such further dates of hearing.

8. With the aforesaid, present application is **disposed of**.

(VINAY SARAF)
JUDGE

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