



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

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 16th OF JULY, 2025

MISC. CRIMINAL CASE No. 10424 of 2025

AMIT KUMAR

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Mohan Sharma - Advocate for the applicant.

Shri Vishal Singh Panwar- G.A. for the State.

*Shri Chanchal Gupta- Advocate and Ms. Ankita Ahirwar-
Advocate for the objectors.*

ORDER

1] They are heard. Perused the challan papers.

2] This is the applicant's **third** bail application filed under Section 483 of B.N.S.S./ 439 of Criminal Procedure Code, 1973, as he/ she is implicated in connection with Crime No.804/2022 registered at Police Station Lasudiya, District Indore (MP) for offence punishable under Sections 420, 406, 409 and 34 of the IPC, and Section 4 and 6 of M.P. Nikshepkon Ke Hiton Ka Sanrakhshan Adhiniyam, 2000. The applicant is in custody since 10.04.2023. His first bail application M.Cr.C. No.18072 of 2024 was dismissed by this Court vide order dated 01.07.2024 as withdrawn with liberty to renew the prayer after completion of three months from the said date, and his second bail application M.Cr.C. No.43845 of 2024 was also dismissed by this Court as withdrawn on 17.10.2024 again with liberty to renew the prayer after completion of three months from the said date.



3] The allegation against the applicant is that he and the other accused person Shiv Kumar were involved in defrauding the investors to the tune of Rs.1 Crore 64 Lakhs on the pretext of providing them higher returns.

4] Counsel for the applicant has submitted that it has already been more than nine months since the aforesaid order was passed, and out of twenty one witnesses, examination-in-chief of only three witnesses could be completed, as the witnesses are also not appearing in the Trial Court. It is also submitted that the applicant is lodged in jail since 10.04.2023 and the conclusion of trial is likely to take sufficient long time.

5] Counsel for the objector, on the other hand, has opposed the prayer and it is submitted that looking to the fraud played by the applicant, no case for grant of bail is made out.

6] Having considered the rival submissions, and on perusal of the case-diary as also the proceedings of the Trial Court, which have also been filed by the applicant on record, it is found that examination-in-chief of only three witnesses has been recorded, and apparently, the witnesses are not turning up in the Trial Court. In such circumstances, further custody of the applicant would be unjustified, and accordingly, the application is hereby allowed.

7] 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.25,000/- (Rupees Twenty Five 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.



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8] However, it is also directed that the applicant shall also submit a list of immovable properties in his name before the Trial Court, and shall not alienate the same without prior permission of the Trial Court. The applicant is also directed not to alienate any of the properties of Swaraj India Real Estate Limited/Swaraj India Multipurpose Co-operative Society Limited.

9] M.Cr.C. stands *allowed* and *disposed of*.

Certified copy as per rules.

(SUBODH ABHYANKAR)
JUDGE

Bahar