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MCRC-10990-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 28<sup>th</sup> OF JULY, 2025MISC. CRIMINAL CASE No. 10990 of 2025*DHARMEDNRA**Versus**MAHESH SRIVASTAVA AND OTHERS*

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Appearance:

*Shri Govind Pal Singh Songara - Advocate for the applicant.*

*Shri Kshitij Rajpurohit - Advocate for the respondent No.1.*

*Shri K. K. Tiwari - G.A. for respondent No.2/State.*

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ORDER

1] They are heard. Perused the case-diary.

2] This is the first application filed by the applicant under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023/Section 438 of Criminal Procedure Code, 1973 for grant of anticipatory bail as he is apprehending his arrest in connection with a private complaint case No.238/2024 pending in the Court of Judicial Magistrate First Class, Khilchipur, District - Rajgarh for the offence punishable under Sections 419 and 420 of the Indian Penal Code, 1860.

3] Applicant is apprehending his arrest in connection with the aforesaid offence, wherein it is alleged that he sold a Gama Trax bearing registration No.MP-39-I-0617 to the complainant for a consideration of Rs.4 lakh on 13.07.2025, representing that he is the only owner of the vehicle. However, despite obtaining the amount, the applicant did not cooperate in



transferring the vehicle in the RTO, and subsequently also obtained a sum of Rs.3,71,000/- on the pretext that he has to pay Mahindra Finance Company the aforesaid amount towards the said vehicle. However, neither the vehicle was transferred nor the amount was returned to the complainant.

4] Counsel for the applicant has submitted that the case has been registered in a private complaint on the order passed by the Judicial Magistrate First Class, and the date of transaction is stated to be 13.07.2015, and thus, it is submitted that in such circumstances, the custodial interrogation of the applicant would not be necessary, when the applicant himself was available all this time, and the police has also not registered the FIR against him.

5] Counsel for the State, as also the objector have opposed the prayer, and it is submitted that a fraud has been played by the applicant, and only because the police has refused to lodge the FIR, then the complainant was forced to take recourse of the remedy available under Cr.P.C, and thus, no case for grant of anticipatory bail is made out.

6] Heard. Having considered the rival submissions and on perusal of the record, it is found that, admittedly, the offence relates to a transaction, which took place on 13.07.2015, whereas the private complaint was filed in the year 2017, and the learned Judge of the trial Court has taken cognizance of the offence on 03.08.2024. It is also found that various transactions have also been referred to in the order of taking cognizance, and in such circumstances, the custodial interrogation of the applicant after all these years, does not appear necessary.

7] Accordingly, without commenting anything on the merits of the



case, the application is allowed. It is directed that in the event of arrest, applicant shall be released on bail, upon his executing a personal bond in the sum of Rs.25,000/- (rupees twenty five thousand only) and furnishing one solvent surety in the like amount to the satisfaction of the Arresting Officer (Investigating Officer). The applicant shall make himself available for interrogation by a Police Officer, as and when required. He shall further abide by the other conditions enumerated in Sub Section (2) of Section 438 of the Code of Criminal Procedure, 1973.

8] Accordingly, MCRC stands **allowed**.

(SUBODH ABHYANKAR)  
JUDGE

Pankaj