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MCRC-41108-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 16th OF SEPTEMBER, 2025MISC. CRIMINAL CASE No. 41108 of 2025*RAJ**Versus**STATE OF M P*

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Appearance:

Shri Yogesh Purohit - Advocate for the applicant.

Shri Apoorv Joshi - Govt. Advocate for the respondent/State.

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ORDER

This *second* application has been filed by applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Crime No.139/2025, registered at Police Station- Alot, District Ratlam, (MP) for offence punishable under Sections 318(4), 111 of BNS, 2023 and under Section 66-D of I.T. Act, 2000. Applicant is in judicial custody since 06.03.2025. First bail application was dismissed *vide* order dated 02.07.2025 passed in MCRC No. 23736/2025 with liberty to renew the prayer for bail after charges are framed. Thereafter complainant Pushkar Patidar (PW-1) was examined and co-accused Dinesh Sharma, Nandkishore, Mukesh, Aarti and Sonam have been extended benefit of bail *vide* orders dated 04.09.2025 passed in M.Cr.C. No(s). 28992/2025, 38784/2025, 38785/2025, 38704/2025, 37976/2025.

Heard the arguments.



Perused the grounds for grant of bail stated in the application, case diary and the relevant material on record.

Learned counsel for the applicant in addition to the grounds mentioned in the application submits that the applicant has been implicated in the alleged offence for the reason that he has provided his account to the co-accused Ankush, wherein the amount of cheating was deposited. Learned counsel further submits that only complainant Pushkar Patidar has alleged cheating and misappropriation. No other investor was cited as witness in the present matter. Pushkar Patidar (PW-1) did not support the prosecution, rather, he has exonerated the accused. Only witness of seizure and investigation remains to be examined. There is no likelihood of influencing the other witness by the applicant. The fate of prosecution is apparent. No criminal antecedent is reported against the applicant. Cash amount of Rs. 5,000/- was recovered at the instance of the applicant. Co-accused Dinesh Sharma has been extended benefit of bail by this Court *vide* orders dated 04.09.2025 passed in M.Cr.C. No. 28992/2025. The prosecution against applicant is identical Dinesh Sharma. Jail incarceration is causing hardship to the young applicant and his family. Applicant is ready to cooperate in the trial.

Per contra, learned counsel for the State opposes the application on the ground of gravity of alleged offence. However, after going through the case diary, he fairly states that no criminal antecedent is reported against the applicant.

As per the case of prosecution, the applicant participated in inducing the investors to invest through Meta Trades 5 Pro App. But the complainant Pushkar Patidar (PW-1) did not support the prosecution. Any other customer or investor alleging cheating or misappropriation against the applicant was not cited as



witness by the prosecution. The veracity of prosecution will be determined after evidence in the trial.

As informed, the applicant is aged 23 years. He is doing a private job and has the responsibility of his dependent family. Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of any criminal antecedent, considering the socio-economic status of the applicant, there appears to be no likelihood of tampering with remaining evidence or influencing the witnesses by the applicant. There appears to be no compelling reason to continue incarceration of the young applicant.

Considering the rival contentions and overall circumstances of the case, in the light of aforesaid facts, but without commenting on the merits, this Court is inclined to release the applicant on bail. Thus, the application is allowed.

Accordingly, it is directed that **applicant- Raj** shall be released on bail in connection with Crime, as mentioned in first paragraph of this order, upon furnishing a personal bond in the sum of Rs.50,000/-(Rupees Fifty Thousand only) with one surety of the same amount to the satisfaction of the Trial Court, for compliance with the following conditions : (For convenience of understanding by accused and surety, the conditions of bail are also reproduced in Hindi as under):-

- (1) Applicant shall remain present on every date of hearing as may be directed by the concerned court;
- (1) आवेदक संबंधित न्यायालय के निर्देशानुसार सुनवाई की प्रत्येक तिथि पर उपस्थित रहेगा ।
- (2) Applicant shall not commit or get involved in any offence of similar nature;
- (2) आवेदक समान प्रकृति का कोई अपराध नहीं करेगा या उसमें सम्मिलित नहीं होगा ।
- (3) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them/him/her from disclosing such facts to the Court or to the police officer;
- (3) आवेदक प्रकरण के तथ्यों से परिचित किसी व्यक्ति को प्रत्यक्ष या अप्रत्यक्ष रूप से प्रलोभन, धमकी या वचन नहीं देगा, जिससे ऐसा व्यक्ति ऐसे तथ्यों को न्यायालय या पुलिस अधिकारी को प्रकट करने से निवारित हो ।
- (4) Applicant shall not directly or indirectly attempt to tamper with the evidence or allure, pressurize or threaten the witness;
- (4) आवेदक प्रत्यक्ष या अप्रत्यक्ष रूप से साक्ष्य के साथ छेड़छाड़ करने का या साक्षी या साक्षियों को बहलाने-फुसलाने, दबाव डालने या धमकाने का प्रयास नहीं करेगा ।
- (5) During trial, the applicant shall ensure due compliance of provisions of Section 309 of Cr.P.C./346 of Bharatiya Nagarik Suraksha Sanhita, 2023 regarding examination of witnesses in attendance;
- (5) विचारण के दौरान, उपस्थित गवाहों से परीक्षण के संबंध में आवेदक धारा ३०९ दं. प्र.सं./३४६ भारतीय



नागरिक सुरक्षा संहिता, 2023 के प्रावधानों का उचित अनुपालन सुनिश्चित करेगा ।

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the Trial Court may consider, on merit, cancellation of bail without any impediment of this order.

The trial Court shall get these conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

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