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MCRC-45183-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE HIMANSHU JOSHI

ON THE 1<sup>st</sup> OF OCTOBER, 2025

MISC. CRIMINAL CASE No. 45183 of 2025

*DURGESH*

*Versus*

*THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Vivek Singh, Senior Advocate with Shri Juned Ahmed Khan,  
Advocate for the applicant.

Shri Hemant Sharma, Govt. Advocate for the respondent/State.  
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ORDER

1. This *first* application has been filed by applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 for grant of regular bail in connection with Crime No.319 of 2025 registered at Police Station-Bhikangaon, District-Khargone(M.P.) for offence punishable under Sections 318(4), 338, 336(3) and 340(2) of BNS, 2023. Applicant is in judicial custody since 09.07.2025.

2. Heard the arguments.

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

4. Learned counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is falsely implicated in the alleged offence. He has not committed the alleged offence. There is



no legal and admissible evidence against the applicant. The present case is based on documentary evidence. Nothing incriminating has been seized from the possession of the present applicant. The main allegation is against co-accused persons. Applicant is still ready to deposit the money. The final report has been submitted on completion of investigation. There is no likelihood of tampering with evidence by the applicant. Jail incarceration is causing hardship to the applicant. Applicant is ready to cooperate in the trial.

5 . *Per contra*, learned counsel for the State opposes the application on the ground of gravity of alleged offence.

6. According to the material available on case diary, on 25.06.2025 complainant Govind Mandloi lodged a report that he is an incharge of Economic Project at village Khargone and committee of three persons were made to investigate for embezzlement in the account no.991510110011090. During inquiry, 04 cheques were illegally issued by co-accused Anand Chouhan from UJALA CLF BANK to the account of applicant - Durgesh and total embezzled amount found to be Rs.6,97,700/-, out of which Rs.2,50,000/- has been seized from co-accused Prashant and Rs.1,50,000/- has been seized from co-accused Anant. Nothing has been seized from the present applicant. The final report has been submitted. Trial would take time to conclude. The veracity of prosecution and the role of applicant will be determined after evidence in the trial.

7. As informed, the applicant is aged 33 years and is working in private job. He has family responsibilities. Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of substantial



criminal past/any criminal antecedent and previous conviction for any major offence, considering the socio-economic status of the applicant, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicant. There appears to be no compelling reason to continue incarceration of the applicant. However, the observations, hereinabove, are recorded for present application only.

8. 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.

9. Accordingly, it is directed that **applicant-Durgesh** shall be released on bail in connection with Crime, as mentioned in first paragraph of this order, subject to depositing **Rs.2,97,700/- before the trial Court** and also 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 asunder):-

(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।

10. 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.

11. 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.

(HIMANSHU JOSHI)  
JUDGE