



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

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 6th OF SEPTEMBER, 2024

MISC. CRIMINAL CASE No. 38199 of 2024

SAMRAT SINGH

Versus

THE STATE OF MADHYA PRADESH

Appearance:

Shri Siddharth Gulatee – Advocate for applicant.

Shri Mohan Sausarkar – Public Prosecutor for respondent/State.

ORDER

Case diary is available.

2. This application under Section 482 of BNSS, 2023 has been filed for grant of bail.
3. The applicant apprehends his arrest in connection with Crime No.61/2024 registered at Police Station Dharkundi, District Satna for offence under Sections 406, 417, 420, 467, 468, 471, 120B of IPC and Section 13(1)(b) of Prevention of Corruption Act, 1988 R/w Section 13(2) of Prevention of Corruption Act (Amendment) Act, 2018.
4. It is submitted by counsel for applicant that according to the prosecution case, Procurement Center No.56212226, Jayatmalbaba Mahila Swa Sahayta Samuh Karigohi – (1012111), Center No.1 dispatched 18 trucks on 8/5/2024 allegedly containing 2360 quintal of wheat and 5 trucks containing 1500 quintal of wheat on the basis of



Bilty prepared by the transporters. It was shown that the aforesaid quantity of wheat was transported, whereas wheat was never procured by the society and it was never transported. All these illegalities were done with the help of multiple persons because their IDs were also used. The trucks which were shown to have transported the aforesaid quantity of wheat were at different places as per GPS track. It is submitted that as per the documents, the trucks unloaded the wheat at Railway Station and it was shown that they were dispatched by racks, but neither wheat were procured nor they were transported by anybody. It is submitted by counsel for the applicant that he is the Computer Operator of the transporter. He has been falsely implicated. Even otherwise, he is ready to deposit the amount as fixed by the Court to show his innocence and *bonafide*. It is further submitted that the Supreme Court in the case of **Ramesh Kumar Vs. State of NCT of Delhi** reported in (2023) 7 SCC 461 has held that the Court can grant bail by directing refund of the public money, but not the private money. It is submitted that some of the accused persons have approached this Court by filing Writ Petition No.23452/2024 and an interim order dated 22/8/2024 has been passed by a coordinate Bench of this Court and it has been directed that till the next date of hearing, no coercive action shall be taken against the petitioner.

5. *Per contra*, the applicant is vehemently opposed by the counsel for the State. It is submitted that the applicant is a transporter. Rs.92,00,000/- were disbursed to 58 agriculturist and as many as 8 persons have been implicated by the police.

6. Heard learned counsel for the parties.



7. It is the case of the applicant that he is not the transporter but he is the Computer Operator working with the procurement transporter namely Shri M.P. Vishal.

8. The Supreme Court in the case of **Ramesh Kumar (supra)** has held as under:-

“**26.** We may, however, not be understood to have laid down the law that in no case should willingness to make payment/deposit by the accused be considered before grant of an order for bail. In exceptional cases such as where an allegation of misappropriation of public money by the accused is levelled and the accused while seeking indulgence of the court to have his liberty secured/restored volunteers to account for the whole or any part of the public money allegedly misappropriated by him, it would be open to the court concerned to consider whether in the larger public interest the money misappropriated should be allowed to be deposited before the application for anticipatory bail/bail is taken up for final consideration. After all, no court should be averse to putting public money back in the system if the situation is conducive therefor. We are minded to think that this approach would be in the larger interest of the community. However, such an approach would not be warranted in cases of private disputes where private parties complain of their money being involved in the offence of cheating.”

9. Since the case of the applicant is that he is the Computer Operator working with the transporter therefore, it is directed that in case if the applicant deposits **Rs.10,00,000/- (Rupees Ten Lakhs Only)** with the Madhya Pradesh State Civil Supplies Corporation Limited and produces a copy of receipt thereof and appears before the Investigating Officer on or before **28/09/2024** along with receipt of deposit of the aforesaid



amount, then he shall be released on bail on furnishing personal bond in the sum of **Rs.1,00,000/- (Rupees One Lakh Only)** with one surety in the like amount to the satisfaction of the Investigating Officer. In case if the applicant fails to deposit the amount of Rs.10,00,000/- or fails to appear before Investigating Officer on or before 28/09/2024, then this order shall automatically come to an end.

10. In the light of judgment passed by the Supreme Court in the case of **XYZ and Others Vs. State of Madhya Pradesh and Another** reported in **(2021) 16 SCC 179**, intimation regarding grant of bail be sent to the complainant.

11. With aforesaid observations, application is **allowed**.

(G.S. AHLUWALIA)
JUDGE

Arun*