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**IN THE HIGH COURT OF MADHYA PRADESH
AT J A B A L P U R**

**BEFORE
JUSTICE ACHAL KUMAR PALIWAL**

M.Cr.C. No. 17312 of 2025

SHRAVAN KUMAR CHOUKSEY

Versus

THE STATE OF MADHYA PRADESH

Appearance

Shri Manish Datt –Senior Advocate with Shri Neeraj Shah, advocate for the applicant.

Shri Stayapal Chadhar – Government Advocate for the respondent/State.

Shri Choudhary Mayank Singh – Advocate for the objector.

Reserved on : 29.07.2025

Pronounced on : 13.08.2025

This M.Cr.C. having been heard and reserved for order, coming on for pronouncement this day, Justice Achal Kumar Paliwal pronounced the following:

ORDER

This is second bail application filed on behalf of applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The applicant is in jail since 10.12.2024 in connection with Crime No.886/2024 registered at P.S. Gorakhpur, District- Jabalpur, for the offence punishable under Sections 420 and 408 of IPC.

3. Learned senior counsel for the petitioner submits that Ex-serviceman Security Force services was started by complainant's father and therein petitioner was working as manager. Annexure A/6's compromise was arrived at between complainant, his father and petitioner and as per aforesaid compromise, complainant received Rs. 55,00,000/-. At the time of inquiry of first complaint, statement of complainant's father Jaspal Singh Cheema was recorded and therein he stated that petitioner's account is being operated by complainant and complainant is depositing amount in petitioner's account to evade GST. With respect to incident that occurred from 23.01.2018 to 17.01.2024, FIR was lodged on 19.12.2024. After inquiry, Annexure A/5's report was submitted by concerned SHO on 05.06.2024. It is urged that though petitioner's earlier bail application was dismissed on merits on 20.03.2025 but therein it is mentioned that as per column 16 of the charge sheet, some material information is awaited from certain departments. But till today, aforesaid information has not been received. No offence under Sections 420 and 408 of IPC is made out. Charge sheet has been filed.

4. Learned senior counsel for the applicant also submits that it is evident from the statement of father of complainant that the complainant is behind all this and he is doing everything. Six accounts of company were opened and in all these

accounts, amount was deposited by complainant to evade GST. When GST notice was received, then, complainant filed complaint against petitioner. It is urged that first complaint was made by complainant and his father. In aforesaid, father of complainant has leveled allegation against complainant. Aforesaid security agency is owned by Jaspal Singh Cheema and first complaint made by Jaspal Singh Cheema. Present complaint has not been made by Jaspal Singh Cheema. There are signature of complainant on the compromise. It is also urged that in charge sheet, 12 witnesses have been named but no witnesses is from concerned companies. To save himself from the fraud committed by complainant with his father, present petitioner has been falsely implicated. Case is triable by JMFC. There is no allegation of forgery (Section 467, 468 of IPC). Father of complainant has not leveled allegations against present petitioner. In gumasta license, Jaidev is shown as partner with petitioner but Jaidev is witness in the case and not accused in the case. Further, after relying on **Naresh Kumar Yadav Vs. Ravindra Kumar and others, (2008) 1 SCC 632**, it is urged that once a compromise is arrived at between the parties then, no further proceeding can be initiated or continued. Further after relying on **Sanjay Chandra Vs. Central Bureau of Investigation, (2012) 1 SCC 40 and Dataram Singh Vs. State of Uttar Pradesh and another, (2018) 3 SCC 22**, it is urged that as instant case pertains to financial irregularity and investigation is complete, therefore, applicant is entitled to be released on bail.

5. Learned Government Advocate for the respondent/State has opposed the bail application of applicant.

6. Learned counsel for the objector submits that Annexure A- 11 is not a part of charge sheet. In 2015, applicant was posted as manager in the company. There is statement of Babli Cheema and she has stated that her husband did not get prepared any documents. Applicant has prepared forged documents. Compromise is having only signature of Amarjeet. It is also urged that parties have entered into the compromise in relation to current account and not with any other account. Complaint was made on 31.01.2024. FIR has been registered on 09.12.2024. Applicant has prepared forged FDR's. Jaidev has lodged complaint against applicant but it was not registered. As per bank statement, applicant has defrauded complainant of an amount more than Rs. 6,33, 14,950/-.

7. Learned counsel for the objector submits that Jaspal Singh Cheema was never in favour of compromise agreement. Therefore, there are no signature of Jaspal Singh Cheema on compromise agreement. Same has been affirmed by Babli Cheema in her statement. It is urged that settlement/compromise was limited to current account as they failed to disclose transaction of saving account. Compromise was made after suppressing material fact. Hence, it is not valid. Applicant/accused has himself admitted that Jaspal Singh Cheema was not aware about the transaction. It is also urged that accused mislead that he paid Rs. 20,00,000/- on 13.05.2023, whereas in compromise, it was not mentioned. Applicant/accused also mislead by adducing forged letter dated 13.05.2023 wherein future entry dated 20.09.2023 was mentioned, but failed to mention this letter in compromise agreement. Compromise agreement creates a presumption

that accused was at fault, therefore, compromise took place. Pawan Kori admitted that accused use to take care of the firm of Jaspal and Amarjeet Cheema was not aware. Applicant's wife Dipika Chouksey admitted that amount was credited in his account. CSP in the subsequent charge sheet dated 28.08.2024 did not validate compromise agreement and found accused guilty under Sections 420, 467, 468, 471 and 408 of IPC.

8. Learned counsel for the objector also submits that Gumasta Certificate was forged, as company name used was of Ex-serviceman Security services and registration number used in that certificate was of applicant firm which creates presumption that it was forged. Same has been affirmed by the applicant partner Jaydev. Applicant/accused mislead this Court that he registered new firm after 2023, whereas he opened the firm on 30.06.2020. Applicant also misled that he started working in 2017, whereas he started working in 2015. Applicant's partner of the other firm also lodged a complaint against the applicant for committing fraud with him also. Bank account was opened in Utkarsh Bank which was also forged. It is urged that signature are altogether different as firstly he was a colonel in the army secondly he was not bed ridden, his death was due to cardiac arrest, therefore it creates the presumption that there was no chance of giving thumb impression on the documents. Same has been affirmed by his wife Babli Cheema in her statement. All the FDR's were forged. SBI also acknowledged the same. It is urged that objector is running a firm and takes projects through tender and as per requirement he is required to open account as mentioned in tender which is part of

procedure. Applicant accused declined to transfer money, whereas the money was transferred to Amit, Aryan, Pawan and Dipika.

9. Learned counsel for the objector also submits that the firm has been operating with a single valid GST registration number, duly reflected in the tender documents submitted, invoice records, and payment verifications available with the respondent authority. There is no question of multiple GST numbers or tax evasion, since the firm's financial and tax records are consistently mapped to the single GST identity allotted under the CGST Act. It is urged that the documents relied by the appellant obtained under RTI are not part of charge sheet. Applicant has relied on a case in which he mentioned that there is case pending against the objector for abetting the suicide but failed to mention that case has been dismissed on merits. There is no sign of Babli Cheema on affidavit. Same is contrary to Babli Cheema's statement which is part of charge sheet.

10. This Court has examined submissions of learned counsel for the parties in the light of documents available on record.

11. Evidently, in the instant case, after investigation, charge sheet has been filed and applicant is in jail since 10.12.2024.

12. Hence, having regard to factual matrix of the case and also the fact that after dismissal of earlier bail application, till today, as per admission of learned counsel for the State, investigating officer has failed to collect/obtain remaining documents as mentioned in clause 16 of the charge sheet, this Court is of the considered view that it is a fit case to release the applicant on bail.

13. Therefore, without expressing any view on the merits of the case, this second bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail filed on behalf of applicant, stands **allowed**.

14. It is directed that **applicant-Shravan Kumar Chouksey** be released on bail on his furnishing a personal bond in the sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with one solvent surety in the like amount to the satisfaction of the trial Court, for his regular appearance before the trial Court during trial with a condition that he shall remain present before the concerned Court on all the dates fixed by it during trial. He shall abide by all the conditions enumerated under Section 480(3) of Bharatiya Nagarik Suraksha Sanhita, 2023.

15. This order shall be effective till the end of the trial. However, in case of bail jump and breach of any of the conditions of bail, it shall become ineffective.

16. **Soft copy of this bail order be sent immediately/forthwith to applicant through concerned jail Superintendent.**

17. M.Cr.C. stands allowed and disposed off.

18. Certified copy as per rules.

(ACHAL KUMAR PALIWAL)
JUDGE

L.R.

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