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MCRC-3285-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SMT. JUSTICE ANURADHA SHUKLA

ON THE 2nd OF MAY, 2025MISC. CRIMINAL CASE No. 3285 of 2025*TILAK MALVIYA**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

*Shri Siddharth Seth - Advocate (through Video Conferencing) and
Shri Aman Sharma - Advocate for the applicant.*

Shri Akshay Namdeo - Government Advocate for the State.
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ORDER

This is first application filed by applicant Tilak Malviya under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (Section 439 of the Code of Criminal Procedure 1973) for grant of regular bail relating to FIR/Crime No.785/2022 dated 10.12.2022 registered at Police Station Shahpur, district Betul, for the offence punishable under Sections 420, 409 and 34 IPC. The applicant is in judicial custody since 7.3.2024.

2. This first regular bail application has been argued on the grounds of long incarceration, ground of parity and also on the ground of innocence; it is claimed that applicant is in custody since 7.3.2024 and trial has not made any substantial progress; it is also argued that co-accused Rajendra Prasad Gadriya, whose bail application was dismissed by this Court on 23.9.2024 under M.Cr.C. No.31657/2024 has been granted bail by Hon'ble Apex Court



in criminal appeal arising out of SLP (Criminal) No.14483/2024 and for granting this benefit, the Hon'ble Apex Court has observed that out of a list of 72 prosecution witnesses, only 13 were examined by 17.12.2024 and Rajendra Prasad Gadriya, a senior citizen, was in custody since 16.3.2024; it is claimed that, except on age, rest of the parameters for granting bail match with the facts of the present case.

3. The application has also been argued on the ground of innocence claiming that applicant was never assigned the task of verifying the documents of beneficiaries nor any incriminating evidence was collected to show that he was instrumental in manipulating the document; it is claimed that the role assigned to him was to feed the data of beneficiaries and ensure their registration on portal and he fed only that data which was forwarded to him after verification by concerned authority. Based on these grounds, a request has been made to allow the regular bail application.

4. State has opposed the application on the ground that applicant was instrumental in feeding wrong account numbers of beneficiaries and this caused the diversion of public money due under Pradhan Mantri Awaas Yojana in the bank accounts of wrong persons who were not the beneficiaries under the scheme. It is also claimed that applicant was instrumental in removal of objections that were flagged through red order-sheets and thereby he ensured the payment to wrong persons.

5. Counsel for both the sides have been heard and the case diary has been perused.

6. The bail application of Rajendra Prasad Gadriya under M.Cr.C.



No.31657/2024 was dismissed on the grounds that he derelicted in his duty of examining the eligibility of beneficiary, but he has been allowed bail by Hon'ble Apex Court and applicant is rightly claiming parity with that order passed in favour of Rajendra Prasad Gadriya. Further, the Chief Executive Officer, Janpad Panchayat, Shahpur, Kanchan Dogre, who was instrumental in issuing false certificates to resolve the red order-sheet objection was also allowed anticipatory bail by Hon'ble Apex Court.

7. Having considered these facts and also in the light of fact that applicant was assigned the role of feeding data on portal without any liability to verify the documents, this regular bail **application is allowed.**

8. It is directed that the applicant herein shall be enlarged on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the trial court concerned for his appearance before the said Court on all such dates as may be fixed in this regard during pendency of the trial.

9. It is further directed that the applicant shall comply with the provisions of Section 480(3) of B.N.S.S.

10. Accordingly, this M.Cr.C. stands **allowed and disposed of.**

(ANURADHA SHUKLA)
JUDGE