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

**BEFORE
HON'BLE SHRI JUSTICE VISHAL DHAGAT**

ON THE 7th OF OCTOBER, 2023

CRIMINAL APPEAL No. 12341 of 2023

BETWEEN:-

**ALOK MISHRA S/O LATE RADHE KRISHNA MISHRA,
AGED ABOUT 50 YEARS, OCCUPATION: (DFO FOREST)
R/O GOVT. QUARTER FOREST NEAR SURAJ KUND
GAYATRI TEMPLE CIVIL LINES KHANDWA (MADHYA
PRADESH).**

.....APPELLANT

(BY SHRI OM SHANKAR PANDEY - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH THROUGH P.S.
KOTWALI DISTRICT KHANDWA (MADHYA PRADESH).**

.....RESPONDENT

(BY SHRI Y.D. YADAV - GOVERNMENT ADVOCATE)

.....

*This appeal coming on for admission this day, the court passed the
following:*

ORDER

This is the first criminal appeal filed on behalf of the appellant under Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of anticipatory bail against order dated 20.09.2023 passed by Special Judge, SC/ST, Khandwa (MP), by which his application has been dismissed.

2 . Appellant is apprehending his arrest in connection with FIR No. 696/2023, registered at Police Station City Kotwali, District Khandwa (M.P.) for the offences punishable under Sections 409, 406, 420 of IPC & 3(2)(5) of

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Counsel appearing for appellant submitted that by mistake, some amount has been credited in his account and same was also withdrawn. When appellant learnt about the same, he has returned substantial portion of the amount i.e. Rs. 8 lacs. He is also ready to deposit remaining amount of Rs. 4 lacs in Government Treasury. In these circumstances, the appellant may be granted anticipatory bail.

4. Learned Govt. Advocate appearing for State opposed the appeal for grant of anticipatory bail. It is submitted that money was credited in account of appellant between 01.04.2022 to 31.03.2023 for long period of time and said amount was also withdrawn by appellant. It cannot be said that due to some mistake, amount has been credited into his account. Appellant is having malafide intention. He has committed offences under Sections 409, 406, 420 of IPC & 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Offence under Section 409 of IPC is punishable upto life imprisonment. Considering seriousness of offence, appellant may not be granted anticipatory bail.

5. Heard the counsel for the parties.

6. Appellant is first offender with no criminal record. He is Accountant with State Government and a government servant. There is no likelihood that appellant will abscond from law.

7. Considering facts and circumstances of the case, this criminal appeal filed by appellant is **allowed on following conditions :-**

(i) Appellant shall deposit an amount of Rs.4 lacs before Court of C.J.M., Khandwa (MP) within 30 days. Amount deposited will be kept in form of FDR and will be subject to final judgment which will be passed by the trial court.

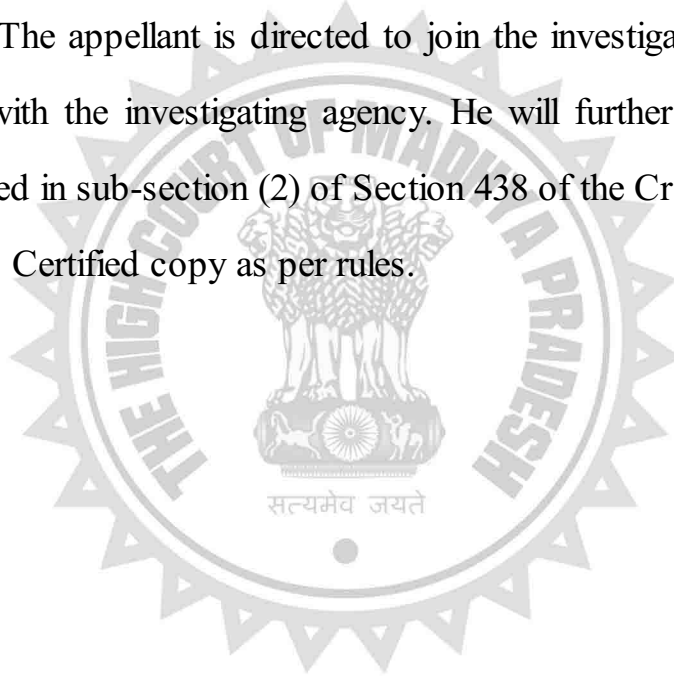
(ii) Appellant will produce receipt of the same before the Investigating Officer/Arresting Officer.

(iii) If said amount is not deposited then no application will be entertained for modification of conditions of bail order.

8. It is direct that on showing receipt of deposit of aforesaid amount before Arresting Officer, Arresting Officer shall release the appellant on his furnishing a personal bond in the sum of **Rs. 50,000/- (Rupees Fifty Thousand only)** with one surety in the like amount to the satisfaction of the Arresting officer (Investigating Officer) for his regular appearance before the Police during the investigation or before the Court during trial.

9. The appellant is directed to join the investigation immediately and cooperate with the investigating agency. He will further abide by the conditions enumerated in sub-section (2) of Section 438 of the Cr.P.C.

10. Certified copy as per rules.



(VISHAL DHAGAT)
JUDGE