

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

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 12th OF DECEMBER, 2022

MISC. CRIMINAL CASE No. 56687 of 2022

BETWEEN:-

**LAVINA W/O DEVENDRA UPADHYAY, AGED ABOUT 32
YEARS, OCCUPATION: HOUSE WIFE 1105/29 NANDA
NAGAR INDORE DISTRICT INDORE (MADHYA
PRADESH)**

.....APPLICANT

(BY SHRI AVINASH YADAV - ADVOCATE)

AND

**THE STATE OF M.P. STATION HOUSE OFFICER
THROUGH P.S. HEERA NAGAR DISTRICT INDORE
(MADHYA PRADESH)**

.....NON APPLICANT

***(SHRI VISHAL SANOTHIYA - GOVERNMENT ADVOCATE)
(BY SHRIANIRUDH SAXENA - ADVOCATE FOR THE OBJECTOR)***

सत्यमेव जयते

.....
*This application coming on for hearing this day, the court passed the
following:*

ORDER

This is the first anticipatory bail application filed under Section 438 of the Code of Criminal Procedure, 1973. The applicant is apprehending her arrest in connection with Crime No. 921/2022 registered at P.S. - Heera Nagar District Indore (M.P.) for commission of offence punishable under Section 386, 406, 120-B of IPC.

As per the prosecution story, present applicant is the wife of co-accused Devendra Upadhyay, co-accused Devendra performs worship as a

priest. Complainant Maya Bai has entrusted some golden and silver ornaments to him for keeping in a safe manner. Co-accused Devendra alongwith the applicant mortgaged some ornaments in Muthoot Finance Corp Branch Nanda Nagar Indore and Ridhi Sidhi Jewellers and an agreement has been executed by Devendra in the name of Maya Singh and Amit Singh but thereafter present applicant and other co-accused persons did not return the aforesaid jewellery and the amount to the complainant and they committed fraud with the complainant. Accordingly offence has been registered.

Learned counsel for the applicant submits that the applicant is innocent and she has been falsely implicated in this matter. She never signed any document of bank loan and she is only a witness in the aforesaid promissory note. no overt act of applicant stated by complainant in the FIR. Offence is triable by JMFC. She is permanent resident of District Indore and only a housewife. Hence, he prays that the applicant be released on anticipatory bail.

Per-contra, learned PL for respondent/State opposes the bail application and prays for its rejection.

Learned counsel for objector also opposes the bail application and prays for its rejection.

Perused the case diary as well as the impugned order passed by the court below.

Considering all the facts and circumstances of the case, arguments advanced by both the parties, nature and gravity of allegation it is revealed that although promissory note was executed by husband of present applicant but it is signed by applicant as a witness, it is also gathered that present applicant being a Gurumata and her husband being a religious priest misused their position and betrayed the complainant by breaching their trust and by grabbing the golden

and silver ornaments and cash amount of complainant.

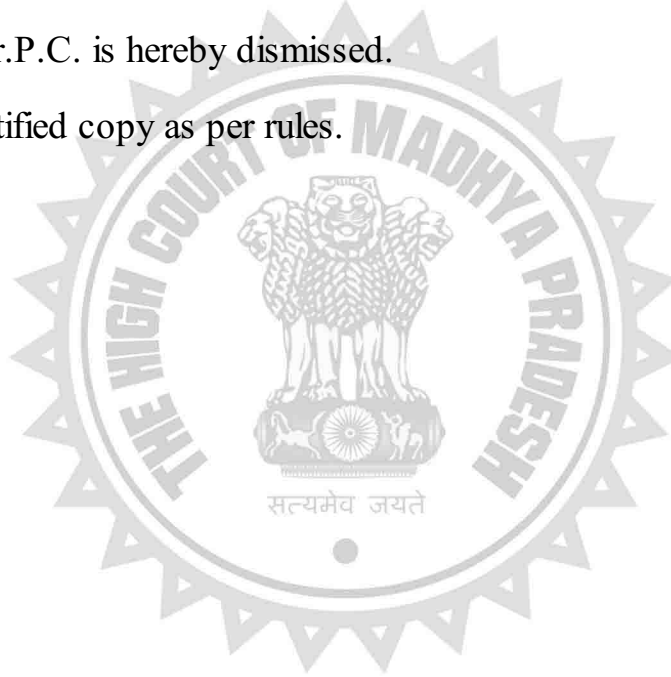
Now a days, such a harsh position is often seen in the society that many hypocrites are looting money of innocent people in the name of religion and they are cheating them and also destroying them. Such type of cheaters are stigma in the name of religion. The society should beware of such treacherous people.

In view of the prima facie evidence available on record, this court is not inclined to grant anticipatory bail to the applicant.

Hence this anticipatory bail application filed by applicant under section 438 of Cr.P.C. is hereby dismissed.

Certified copy as per rules.

BDJ



**(ANIL VERMA)
JUDGE**