

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

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 25th OF JULY, 2022

MISC. CRIMINAL CASE No. 59739 of 2021

Between:-

VAISHALI VARSHIKAR

.....PETITIONER

***(SHAILLEY KHATRI, LEARNED
COUNSEL FOR THE PETITIONER)***

AND

VIJAY MOURYA

**2 STATE OF M.P. THROUGH POLICE
STATION LASUDIYA INDORE
· (MADHYA PRADESH)**

.....RESPONDENTS

***(SUDARSHAN PANDIT, LEARNED
COUNSEL FOR THE RESPONDENT [R-
1].
GA.-ARCHANA MAHESHWARI PL
APPEARED FOR RESPONDENT)***

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

O R D E R

The applicant has preferred this application under Section 439(2) of Cr.P.C. for cancellation of bail granted to the respondent No.1/accused by order dated 22.2.2021 passed by this Court in M.Cr.C.No. 4337/2021.

As per prosecution story, respondent no.1/Vijay Mourya had entered into an agreement to sell of the plot in question in favour of complainant/Vaishali and had received Rs. 92,100/- cash and bank draft of Rs. 3.20 lakhs from her. Respondent no.1/ Vijay Mourya stated that he has purchased plot from co-accused Bherulal and paid the full consideration amount to him. When applicant with her husband went to meet Bherulal for registration of plot, he totally denied any kind of selling of plot by him. Finally sale deed was not executed by the respondent no.1/co-accused. Accordingly offence under Section 420, 406, 467, 468, 471 and 34 of IPC has been registered at police station Lasudiya Indore vide crime No. 1405/2019.

Learned counsel for applicant submits that the amount was paid to co-accused/respondent no.1 but he never deposited the amount of applicant in the society. Respondent no.1/Vijay Mourya is a habitual offender and has committed fraud with so many persons. Respondent no.1 misguided the court and took the relief of

bail on 22.2.2021. The respondent No.1 is practicing various types of criminal acts regularly, he also influenced the investigation and challan has yet not been presented before the trial court. Respondent no. 1 has violated the terms and conditions of bail granted by this Court. Hence he prays that bail granted by this Court deserves to be cancelled.

Learned counsel for respondent no.1 opposes the application by contending that complainant has made a false report against him in which he has already been granted anticipatory bail by this Court. The respondent no.1 never misused the liberty granted to him. In these circumstances, learned counsel prays for rejection of the present application.

I have heard the learned counsel appearing for the parties and perused the record.

From the perusal of the order dated 22.2.2021 passed by this Court in M.Cr.C. No. 4337/2021, I find that this Court had not imposed any condition while allowing the bail application filed under Section 438 of Cr.P.C. that in future the respondent/accused will not involve in any other criminal case. Therefore, it cannot be said that the respondent/accused has violated any condition imposed by this Court.

In view of the above, this Court is of the view that nothing has been brought to the notice of this Court that the respondent/accused has violated any condition of bail so granted to

him. Under these circumstances, the present M.Cr.C. filed by the applicant under Section 439(2) of Cr.P.C. is hereby **rejected**.

Certified copy as per rules.

(ANIL VERMA)
J U D G E

BDJ