

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE VISHAL MISHRA
ON THE 2nd OF MARCH, 2022

MISC. CRIMINAL CASE No. 4848 of 2022

Between:-

1. **AJAY KORI**

2. **BADAL KORI**

.....PETITIONER

(BY SHRI JAFAR KHAN, ADVOCATE)

AND

**STATE OF MADHYA PRADESH THROUGH POLICE
STATION MOTINAGAR DISTRICT SAGAR (M.P)
(MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI SANJEEV SINGH, P.L.)

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

ORDER

The present application has been filed under Section 482 of Cr.P.C seeking modification/recalling of the order dated 11.1.2022 passed in M.Cr.C. No.46335/2021; whereby, the bail application filed by the applicants under Section 439 of Cr.P.C. was allowed by imposing a condition that subject to verification of the fact that the applicants are the first offender.

At the time of furnishing of the bail bonds when the aforesaid aspect was verified, it was pointed out that the present applicants are not the first offenders.

It is pointed out that the aforesaid case was not within the knowledge of the counsel for the applicants; therefore, he has prayed for deleting the condition of being first offenders from the order. However, from the perusal of the order, it is seen that a specific statement was made at the time of argument that the applicants are the first offenders; therefore, this Court considered the aforesaid aspect and

has allowed the application.

It is seen that the applicants have given incorrect information or suppressed the material information from his counsel itself which made the counsel to make such a statement before this Court. In such circumstances, the order dated 11.1.2022 has rightly been passed, but looking to the nature of offence committed by the applicants, this Court deems it appropriate to allow this application.

It is seen from the record sent by the concerning S.H.O. along with the case diary that the applicants are having no criminal past at Police Station-Moti Nagar, District-Sagar but the fact remains that on verification the learned trial court has found criminal cases registered against the present applicants. In such circumstances, the incorrect information has been sent by the concerning S.H.O. to the Advocate General Office suppressing the factum of criminal antecedents of the present applicants. In such circumstances, this Court deem it appropriate to impose the cost of **Rs.25,000/- (Twenty Five Thousand)** upon the concerning Station House Officer, Police Station Moti Nagar, District Sagar to be deposited in the account of Shri Rajkumari Bai Bal Niketan [Bank of Baroda, IFSC:BARBONAPIER (fifth character is zero), Account No.07170100009699], to be deposited within seven days from the date of communication of the order passed by this Court.

Counsel appearing for the State has informed that the aforesaid Bal Niketan is under the supervision of District Administration and is an organization taking care of orphaned girls up to age 18 years; therefore, it is directed that the District Administration, Jabalpur will look into the needs of the orphaned girls and only thereafter with the consent of the Collector, Jabalpur the amount will be disbursed and utilized for the benefits of girls.

In view of the aforesaid, the condition mentioned in the order to the effect that "**subject to verification of the fact that the applicants are the first offender**" is hereby deleted. The applicants are directed to be released on bail upon furnishing a receipt of the cost deposited by the Station House Officer, Police Station Moti Nagar, District Sagar before the trial Court. Rest of the terms and conditions of the order dated 11.1.2022 mentioned therein shall remain intact.

The order shall be read conjointly with the order dated 11.1.2022 passed in M.Cr.C. No.46335/2021.

With the aforesaid, this application stands **disposed of**.

Certified copy as per rules.

A copy of this order be kept in the record of M.Cr.C. No.46335/2021.

(VISHAL MISHRA)
JUDGE

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