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MCRC-27465-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE RAJESH KUMAR GUPTA

ON THE 12th OF SEPTEMBER, 2025MISC. CRIMINAL CASE No. 27465 of 2025*ROOP SINGH PARIHAR**Versus**THE STATE OF MADHYA PRADESH*

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Appearance:

Shri Rabindra Kumar Mishra and Shri Shivendra Singh Raghuvanshi -
Advocate for the petitioner.

Shri Abhishek Bhadoriya - Panel Lawyer for the State.
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ORDER

The applicant has filed this fifth application under Section 483 of BNSS for grant of bail. Applicant has been arrested on 02.07.2024 in connection with Crime No.375/2024 registered at Police Station Kotwali, District Shivpuri for offence punishable under Sections 420, 409, 467, 468, 471, 120B and 107 of IPC and Section 13(1)(A) of Prevention of Corruption Act.

2. Applicant's first bail application was dismissed on merits vide order dated 20.08.2024 passed in MCRC No.30953/2024, second bail application was dismissed as withdrawn vide order dated 07.01.2025 passed in MCRC No.43432/2024, third interim bail application was allowed for two days vide order dated 07.02.2025 passed in MCRC No.5481/2025 with direction to applicant to surrender on 10.02.2025 before 5 pm and fourth interim bail



application was also allowed vide order dated 26.03.2025 passed in MCRC No.8557/2025 by Coordinate Bench of this Court for ten days with direction to applicant to surrender before 04.04.2025.

3. The brief facts of the case, in short, are that in the year 2023, the present applicant has been appointed in the office of Land Acquisition Officer on the post of Computer Operator for assisting the land acquisition cases. The then clerk Siyaram and presently posted clerk namely Vijay Sharma have informed that on 18.05.2024 in compliance of order of Collector dated 08.02.2023, the payment of land acquisition amount of Rs.6,55,511/- had to be paid to the four persons, but instead of aforesaid amount, Rs.25,55,521/- has been transferred to the eight persons. Out of which, Rs.36,76,825/- has been transferred in the account of present applicant namely Roopsingh Parihar, Rs.37,08,346/- has been transferred in the account of applicant's wife namely Rachna, Rs.4,39,368/- and Rs.4,50,888/- were transferred in the account of Rajpal and Sukhwati who are also relatives of the applicant. Therefore, total amount of Rs.5,10,69,610/- (Rupees Five Crores Ten Lac Sixty Nine Thousand Six Hundred Ten Only) have been embezzled. Present applicant is working as computer operator in the government office and has made forged and fabricated documents of Collector Office and has also manipulated the orders of Collector. The government fund has been misappropriated in such a huge number, therefore, the offence was registered against the present applicant and other co-accused persons.

4. Learned counsel for applicant has contended that the applicant is



innocent and has been falsely implicated in this case. If the prosecution story is believed, still the charge against the present applicant can be alleged under Section 406 of the IPC. This fact has also been considered by the Hon'ble Apex Court, whereby, on similar set of facts and under similar circumstances, co-accused Seema has been granted benefit of bail vide order dated 03.09.2025. It is not a case of misappropriation of public money, but it is a case unequal and disproportionate and distribution of the compensation in lieu of acquisition of land which was acquired from the present applicant and other co-accused persons by the Government. It is the mistake on the part of compensating authorities and evaluators of the same. The applicant has already suffered incarceration of more than a year as pretrial detention. Case of the present applicant is similar to co-accused Seema Parihar who has been extended benefit of bail by the Hon'ble Apex Court. The applicant seeks with co-accused Seema Parihar. Applicant is under custody since 02.07.2024. He is a permanent resident of District Shivpuri (M.P.) and is having no criminal or tainted background. Hence, prayer for bail may be considered.

5. *Per contra*, learned Panel Lawyer opposed the prayer by submitting that the present applicant is the main accused of the instant case. Neither his land was acquired nor he is one of those farmers whose name was in the list of prospectus from whom the land was to be acquired. The present applicant, by way of misusing the IDs, has embezzled the public money. He has manipulated the order of the Collector and has also made forged documents. It is also an important fact for consideration that the applicant set the revenue



records on fire for which a separate FIR has also been registered at Crime No.374/2025. Hence, he does not deserve benefit of bail and his bail application may be dismissed.

6. Heard counsel for both the parties and perused the case diary as well as documents appended thereto.

7. It is a case where huge amount of government money is alleged to have been embezzled and a large amount of the aforesaid money has been flowing the miscreants/accused persons, for which, the thorough investigation is going on and many perpetrators are yet to be identified. It also evident that not a single evidence or supporting document has been appended herein showing that the land of the present applicant was acquired by any public/governmental authority, for which he is claiming to have received the aforesaid huge sum of money. Charge-sheet was filed against the present applicant and other co-accused before the Ist Additional District and Sessions Judge Shivpuri whereas investigation is pending under Section 173 (8) of Cr.P.C and Ist Additional District and Sessions Judge, Shivpuri while ignoring the said fact, has held that only Section 406 of IPC is made out against the applicant and case was referred to the Court of Chief Judicial Magistrate for trial. Ist Additional District and Sessions Judge Shivpuri also erred in holding that no offence has been made out against the present applicant for offence under Sections 409, 420, 467, 468, 471 of IPC.

8. The Hon'ble Apex Court has granted bail to the co-accused Seema while considering the order of Trial Court wherein it has been held that against the Seema only Sections 406, 107, 120(b) of IPC were made out



whereas in the present case against the present applicant, Sections 409, 420, 467, 468, 471 of IPC are made out. Therefore, it is not the case of parity with co-accused Seema also. But in the present case, applicant is working as computer operator in the government office, therefore, it is easy to him to make forged and fabricated documents of collector office and also to manipulate the order of Collector. Due to which, present applicant has embezzled the public money which is more than Rs.5 Crores. Therefore, at this stage, it cannot be said that no *prima facie* case is made out against the present applicant for offence under Sections 409, 420, 467, 468, 471 of IPC.

10. Looking to the act of applicant where he has misused his post as computer operator in the office of land acquisition department and made forged document of Collector Office as well as has manipulated the orders of Collector and in view of the evidence available on record and also taking note of the fact that thorough investigation is going on in which many truths are yet to come to the fore and many layers are yet to be gone into, therefore, this Court does not find that it is a good case for grant of bail to the applicant at this stage.

11. Accordingly, the bail application *sans* merits and is dismissed.

12. A copy of this order be sent to the Principal Registrar (Vigilance), High Court of Madhya Pradesh, Principal Seat, Jabalpur and to put up the same before the Hon'ble Chief Justice, High Court of Madhya Pradesh seeking permission for conducting an inquiry and for taking disciplinary action against Ist Additional Sessions Judge (Shri Vivek Sharma), Shivpuri who had discharged the present applicant from the offences punishable under



Sections 409, 420, 467, 468, 471, 120-B and 107 of IPC without considering the facts of the case and to give undue advantage to the applicant to get benefit of bail. Therefore, it appears that Ist Additional Sessions Judge has ulterior motive in holding charge under Section 406 of IPC only against the applicant to give undue advantage to him by which applicant can avail the benefit of bail.

(RAJESH KUMAR GUPTA)
JUDGE

Rashid