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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR

ON THE 22nd OF MARCH, 2025

MISC. CRIMINAL CASE No. 1837 of 2025

UMESH PANDYA

Versus

THE STATE OF MADHYA PRADESH

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Appearance:

Shri Amit Tatke, advocate for the applicant.

Shri Santosh Singh Thakur public prosecutor for State.

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ORDER

This first application has been filed by applicant under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail in connection with Crime No. 655/2024 registered at Police Station-Mahakal District Ujjain (M.P.) for offence punishable under Section 318(4), 316(2) of Bharatiya Nyaya Sanhita, 2023. Applicant is in judicial custody since 04.01.2025.

As per the case of prosecution, Moolchand Junval, Deputy Administrator of Mahakal Mandir Ujjain and Executive Magistrate, Ujjain submitted a written complaint to SHO PS Mahakal *inter-alia* alleging fraud and criminal misappropriation by the employees of Mahakal Mandir Samiti. It is stated that in furtherance of earlier FIR dated 19.12.2024, the Sanitary



Inspector Vinod Chouksey and incharge of Nandi Hall, Rakesh Shrivastava were apprehended. On search of their mobile phones, certain online transactions through phone-pe and google pay were revealed. It was found that Vinod Chouksey and Rakesh Shrivastava were receiving illegal payments from the pilgrims and visitors on the pretext of Mahakal *Darshan* and *Jal-abhishek*. On such allegations, P.S. Mahakal registered FIR at crime No. 655/2024 for offence punishable under Sections 318(4), 316(2) of Bharatiya Nyaya Sanhita, against Vinod Chouksey and Rakesh Shrivastava. The mobile phones of Vinod Chouksey and Rakesh Shrivastava were seized. They informed that I.T. Incharge Raj Kumar Singh, Bhasma-Aarti Incharge Ritesh Sharma, Protocol Officer Abhishek Bhargav, Darshan Incharge Rajendra Sisodiya and security guard of Crystal Company, Jitendra Panwar and Omprakash Mali are their associates in facilitating the visitors and the pilgrims priority Darshan at Nandi Hall, after receiving the illegal payment. Ritesh Sharma was apprehended on 31.12.2024. His mobile phone was seized. Ritesh Sharma informed that Umesh Pandya incharge of Nandi Hall, Ashish Sharma operator of Bhasma-Aarti, Karan Singh Panwar Guard Supervisor, Pankaj Sharma and Vijendra, journalist and Deepak Mittal former member of the Samiti are his associates. It is alleged that Umesh facilitated Darshan to the pilgrims and visitors on recommendation of these persons on payment of money. The whatsapp chat messages and online payment messages were extracted and retrieved from mobile phones of the accused. Applicant Umesh Pandya was apprehended on 04.01.2025. He is in custody ever since. On completion of investigation final report was submitted



pending the investigation against other absconding accused.

Learned Counsel for the applicant, in addition to the grounds mentioned in the application, submits that the applicant is falsely implicated in the matter merely on the basis of information given by co-accused in police custody and recovery of certain whatsapp chat messages and online money transactions. None of the visitors or pilgrims had made any complaint against the applicant that he has received the money to facilitate priority Darshan at the temple. No offence, as alleged, is committed by the applicant. No criminal antecedent is reported against him. He had never been involved in any criminal activity. The trial would take time to conclude. Therefore, the applicant may be extended the benefit of bail.

Per contra, learned counsel for the respondent/State opposes the bail application on the ground of gravity of alleged offence. Learned counsel submits that Kanav Sharma and Sushil Mehta in their statement have alleged that applicant was involved in facilitating priority Darshan to pilgrims on payment of convenience fees which was not remitted to the society. The mobile data recovered from mobile phone of applicant show transaction of money. Therefore, applicant may not be extended benefit of bail. However, after going through the case diary, he fairly states that no criminal antecedent is reported against the applicant.

Heard the arguments, perused the grounds for grant of bail stated in the application and the case diary.

Allegedly, the applicant while working as incharge of Nandi hall of



the Mahakal temple facilitated priority Darshan to the visitors and pilgrims at the Temple on payment of convenience fees which was not accounted to the Mahakaleshwar Mandir Samiti. He is implicated on the basis of statement of co-accused in police custody and certain mobile chats and online transactions. The veracity of the prosecution will be determined after evidence in trial. Further custodial interrogation of the applicant is not needed in the matter. Considering the number of witnesses and the online transaction evidence, the trial would take substantiate time to conclude. As informed, the applicant is aged around 55 years. He is an employee of Mahakaleshwar Mandir Samiti. The applicant is sole bread earner of the family and has responsibility of the family. Considering these aspects, there appears to be no possibility of fleeing from justice. In absence of criminal antecedents, considering the socio-economic status of the applicant, there appears to be no likelihood of tampering with evidence or influencing the witnesses by the applicant or repeating the offence. The trial would take time to conclude. There appears to be no compelling reason to continue incarceration of the applicant. However, the observations, herein-above, are recorded for present application only.

Considering the rival contentions and overall circumstances of the case, in the light of aforesaid facts, but without commenting on the merits, this Court is inclined to release the applicant on bail. Thus, present application is allowed.

Accordingly, it is directed that **applicant -Umesh Pandya** shall be



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released on bail in connection with the crime as stated in para-1 of this order, upon furnishing personal bond and surety bond of amount, as may be considered appropriate by the Trial Court for compliance with conditions, as may be imposed by such Court under Section 437(3) of Cr.P.C. 1973/ Section 480(3) of BNSS, 2023, to secure presence of the applicant for the trial.

This order shall be effective till the end of trial. However, in case of breach of any of the preconditions of bail, the Trial Court may consider, on merit, cancellation of bail without any impediment of this order.

The concerned Court shall get the conditions reproduced on the personal bond by the accused and on surety bond by the surety concerned. If any of them is unable to write, the scribe shall certify that he had explained the conditions to the concerned accused or the surety.

C.C. as per rules.

(SANJEEV S KALGAONKAR)
JUDGE

BDJ