

Monu Gurjar Vs State Of Madhya Pradesh**Miscellaneous Criminal Case No. 49195 Of 2020**

Court: Madhya Pradesh High Court (Gwalior Bench)**Date of Decision:** Dec. 7, 2020**Acts Referred:**

Code Of Criminal Procedure, 1973 " Section 439, 482#Indian Penal Code, 1860 " Section 34, 294, 323, 452 506(2)

Hon'ble Judges: Vishal Mishra, J**Bench:** Single Bench**Advocate:** Ravindra Singh Gurjar, Nitin Goyal**Final Decision:** Disposed Of

Judgement

Vishal Mishra, J

In the wake of unprecedented and uncertain situation due to outbreak of the Novel Corona virus (COVID-19) and considering the advisories issued by

the Government of India, this application has been heard and decided through video conferencing to maintain social distancing. The parties are being

represented by the respective counsels through video conferencing, following the norms of social distancing/ physical distancing in letter and spirit.

The present petition has been filed under section 482 of Cr.P.C. for correction/modification of the condition that subject to the verification of the fact

that there is no other criminal case is pending as on date against the petitioner imposed vide order dated 27.11.2020 passed in M.Cr.C.No.45718/2020.

Learned counsel for the petitioner submits that the petitioner has filed an application under Section 439 of Cr.P.C. for grant of bail, which was allowed

vide order dated 27.11.2020 passed in M.Cr.C.No.45718/2020 with a condition subject to the verification of the fact that there is no other criminal

case is pending as on date against the petitioner. It is submitted by the learned counsel for the petitioner that the petitioner is in custody and not

released owing to such a condition. It is submitted that incomplete information was furnished by the brother of the petitioner, therefore, the factum

could not be brought to the notice of the Court at the time of consideration of bail application, but, subsequently it has brought to his notice by the

counsel from the Trial Court that another offences is being registered against the present petitioner at Crime No.80/2019 for offences punishable

under Sections 294, 323/34, 452 and 506(2) of IPC in which petitioner has already been enlarged on bail by the Court, but the fact remains that the

aforesaid amounts to suppression of material information from this Court.

Counsel for the State has pointed out that at the time of consideration of the bail application of the petitioner, he is having criminal history of six cases

including the present case and counsel for the petitioner submitted that he has been acquitted in five cases out of six cases and he has also stated at

bar that there are no criminal cases pending against the petitioner except the present case. He further submits that due to incorrect information given

to this Court, the bail was sought. He prays for dismissal of the petition.

Taking into consideration the facts and circumstances of the case and considering the nature of offence, this Court is inclined to modify the condition

subject to costs of Rs.25,000/- (Rupees Twenty Five Thousand only) to be deposited by the petitioner with the Principal Registrar of the High Court

for the benefits of Children at Mercy Home during this COVID-19 pandemic.

The aforesaid costs be deposited by the petitioner within seven days and on furnishing the receipt of the deposition of the costs by the petitioner the

release warrant be prepared.

This order be read conjointly with the order dated 27.11.2020 passed in M.Cr.C.No.45718/2020 by this Court.

A copy of this order be kept in the record of M.Cr.C.No.45718/2020.

The M.Cr.C. is disposed of accordingly.

E-copy of this order be provided to the petitioner and E-copy of this order be sent to the trial Court concerned for compliance. It is made clear that E-

copy of this order shall be treated as certified copy for practical purposes in respect of this order.