

(2021) 04 MP CK 0053

Madhya Pradesh High Court (Gwalior Bench)

Case No: Miscellaneous Criminal Case No.18545 Of 2021

Mahendra Singh

APPELLANT

Vs

State Of Madhya
Pradesh

RESPONDENT

Date of Decision: April 8, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 34, 420

Hon'ble Judges: Rajeev Kumar Shrivastava, J

Bench: Single Bench

Advocate: Rajmani Bansal, Shiraz Qureshi

Final Decision: Allowed

Judgement

Rajeev Kumar Shrivastava, J

I.A.No.10673/2021, an application for urgent hearing is taken up, considered and allowed for the reasons mentioned therein.

This is first application under Section 439 of CrPC for grant of bail.

The applicant has been arrested on 17/01/2021 in connection with Crime No.233/2018 registered at Police Station Kotwali, District Sheopur for

offence under Sections 420, 34 of I.P.C.

It is submitted by learned counsel for applicant Mahendra Singh that the applicant is in custody since 17/01/2021. He has falsely been implicated in the

case. He is innocent and he has not committed any offence. Now, investigation is complete and charge-sheet has been filed. Trial will take its own

time. Hence, prayed for grant of bail. He further undertakes to abide by all the terms and conditions of guidance, circulars and directions issued by

Central Government, State Government as well as Local Administration regarding measures in respect of COVID-19 Pandemic and maintain hygiene

in the vicinity while keeping physical distancing.

Per contra, learned State counsel opposed the bail application and has submitted that the case is registered under Sections 420, 34 of I.P.C. and

offence has been committed by the present applicant by the misrepresenting the facts and offences are serious in nature. Hence, prayed to reject the

bail application.

Heard learned counsel for the parties at length through Video Conferencing and perused the available case-diary.

Considering the arguments advanced by the learned counsel for the parties and the facts and circumstances of the present case, without commenting

upon the merits of the case, the application is allowed and it is hereby directed that the applicant shall be released on bail on his furnishing personal

bond of Rs. 1,00,000/- (Rupees One Lakh only) with one solvent surety to the satisfaction of the Court concerned for his regular appearance before

the Court concerned.

In view of COVID-19 pandemic, the jail authorities are directed that before releasing the applicant, his Corona Virus test shall be conducted and if it is

found negative, then the concerned local administration shall make necessary arrangements for sending the applicant to his house, and if his test is

found positive then the applicant shall be immediately sent to concerning hospital for his treatment as per medical norms. If the applicant is fit for

release and if he is in a position to make his personal arrangements, then he shall be released only after taking due travel permission from local

administration. After release, the applicant is further directed to strictly follow all the instructions which may be issued by the Central Govt./State

Govt. or Local Administration for combating the Covid-

19. If it is found that the applicant has violated any of the instructions (whether general or specific) issued by the Central Govt./State Govt. or Local

Administration, then this order shall automatically lose its effect, and the Local Administration/Police Authorities shall immediately take him in custody

and would send him to the same jail from where he was released.

This order will remain operative subject to compliance of the following conditions by the applicant :-

1. The applicant will comply with all the terms and conditions of the bond executed by him;

2. The applicant will cooperate in the investigation/trial, as the case may be;

3. The applicant will not indulge himself in extending inducement, threat or promise to any person acquainted with the facts of the case so as to

dissuade them from disclosing such facts to the Court or to the Police Officer, as the case may be;

4. The applicant shall not commit any offence similar to the offence of which he is accused. In case of repetition of same nature of offence, this bail

order shall automatically stand cancelled;

5. The applicant will not move in the vicinity of complainant party and applicant will not seek unnecessary adjournments during the trial;

6. The applicant will not leave India without previous permission of the trial Court/Investigating Officer, as the case may be;

7. The applicant will inform the SHO of concerned police station about their residential address in the said area and it would be the duty of the Public

Prosecutor to send E-copy of this order to SHO of concerned police station for information.

Application stands allowed and disposed of.

E-copy of this order be sent to the trial Court concerned for compliance.

Certified copy/ e-copy as per rules/directions.